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39-CV-2016-900248.00

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9:29 AM
4/27/2017

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39-CV-2016-900248.00				
https://v2.alacourt.com/firmCaseDetail.aspx?Code Search				
Most Visited Latest Headlines NYT > Home Page Fastlane				
2017 4:56:10 PM	40	SUPPORTING DOCUMENT	PLAINTIFF'S NOTICE OF TAKING DEPOSITION OF CLEARRESULT CONSULTING INC. UNDER RULE 30(B)(6)	3
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2017 4:58:11 PM	42	SUPPORTING DOCUMENT	PLAINTIFF'S NOTICE OF TAKING DEPOSITION OF ENERGY SOLUTIONS UNDER RULE 30(B)(6)	2
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2017 9:03:30 AM	44	MOTION_COVER_SHEET	Motion Cover Sheet	2
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2017 10:35:22 AM	48	OBJECTION	DEFENDANT'S RESPONSE TO PLAINTIFF'S MOTION TO SHORTEN TIME, AND CROSS-MOTION FOR PROTECTIVE ORDER	7
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2017 1:38:04 PM	50	OBJECTION	PLAINTIFF'S RESPONSE TO DEFENDANT'S RESPONSE REGARDING DISCOVERY REQUESTS	2
2017 1:38:27 PM	51	MOTION - TRANSMITTAL	E-NOTICE TRANSMITTALS	2
2017 3:32:21 PM	52	NOTICE OF DISCOVERY	NOTICE OF SERVICE OF DISCOVERY DOCUMENTS	2
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2017 1:59:10 PM	58	MOTION_COVER_SHEET	Motion Cover Sheet	1
2017 1:59:10 PM	59	MOTION	NOTICE OF ADDITION OF PARTY	2
2017 1:59:21 PM	60	MOTION - TRANSMITTAL	E-NOTICE TRANSMITTALS	3
2017 3:37:57 AM	61	MISC	CERT MAIL RECEIPT	1
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9:30 AM
4/27/2017

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39-CV-2016-900248.00

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2017 8:49:17 PM	63	DISCOVERY - TRANSMITTAL	E-NOTICE TRANSMITTALS	3
2017 11:18:05 AM	64	MOTION_COVER_SHEET	Motion Cover Sheet	1
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2017 2:50:45 PM	68	SUBPOENA	Subpoena for ADAM HILL	2
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2017 2:54:24 PM	70	SERVICE RETURN	SERVICE RETURN	2
2017 2:54:37 PM	71	SERVICE RETURN - TRANSMITTAL	E-NOTICE TRANSMITTALS	1
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2017 11:44:50 AM	78	ATTACHMENT	Plaintiff's Request for Production of Documents to Clearresults and Notice of Deposition	11
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2017 11:45:17 AM	80	MOTION - TRANSMITTAL	E-NOTICE TRANSMITTALS	3
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9:30 AM 4/27/2017

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39-CV-2016-900248.00

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2017 11:46:44 AM	83	MOTION_COVER_SHEET	Motion Cover Sheet	1
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2017 11:47:07 AM	85	MOTION - TRANSMITTAL	E-NOTICE TRANSMITTALS	3

9:30 AM
4/27/2017



ELECTRONICALLY FILED
12/6/2016 10:26 AM
39-CV-2016-900248.00
CIRCUIT COURT OF
JACKSON COUNTY, ALABAMA
DONNA BARKSDALE, CLERK

David Johnson Construction Co. Inc.,	)	IN THE
d/b/a Johnson Heating and Cooling)	
	)	CIRCUIT COURT OF
PLAINTIFF)	
v.	)	JACKSON COUNTY,
)	
Clearesult Consulting Inc.,	)	ALABAMA
d/b/a. CLEAResult;)	
A, B & C, being those firms, persons or	)	CIVIL ACTION NO.: CV-2016-_____
entities directing or having control over)	
the Quality Contractor Network of the)	
Tennessee Valley Authority in Jackson)	
County, Alabama)	
)	
DEFENDANTS)	

COMPLAINT

AND

MOTION FOR TEMPORARY RESTRAINING ORDER

NOW COMES the Plaintiff and brings this Complaint and Motion for Temporary Restraining Order and says as follows:

1) The Plaintiff, David Johnson Construction Co. Inc. doing business as Johnson Heating and Cooling, is an Alabama corporation with its principal place of business in Scottsboro, Jackson County, Alabama. The Plaintiff is in the business of providing heating and cooling, and related services, to customer in Northeast Alabama.

2) The Plaintiff has been a participant in and qualified as a contractor in the Quality Contractor Network (QCN) through the "energyright" program offered by the Tennessee Valley Authority (TVA) for the last 37 years. The Plaintiff has at all times met the standards and requirements to qualify as a QCN participating contractor and has received top awards from the Tennessee Valley Authority in multiple years. For the report generated by the "energyright" program dated December 1, 2016, the Plaintiff had passed 100% of all inspections under the program and had a customer satisfaction rating of 4.78 (out of 5.0) with 61 customer satisfaction surveys being submitted. The Plaintiff has been consistently the top producer under the "energyright" program in Northeast Alabama. The Plaintiff has obtained a property right to participate in the "energyright" program as a QCN contractor.

3) The TVA "energyright" program is administered in Northeast Alabama by the Defendant, Clearesult Consulting, Inc., d/b/a. CLEAResult. The Defendant is a foreign

corporation with the authority to do business in the State of Alabama. Upon information and belief, CLEAResult has sole responsibility for administering the "energyright" program and overseeing the QCN Contractors in Northeast Alabama, including the Plaintiff's operations.

4) In approximately October, 2016, as a result of a single complaint by competing QCN contractor, the Plaintiff had a meeting with a representative of CLEAResult and TVA. At the meeting, the parties discussed the complaint and the Plaintiff was sdvised at the conclusion of the meeting by the TVA representative that there would be no further consequences to the Plaintiff as a result of the complaint.

4) Contrary to the position of the TVA representative at the meeting, on November 21, 2016, CLEAResult, as TVA's residential program administrator, notified the Plaintiff, by letter, that the Plaintiff would be removed from the QCN network for a period of one year beginning December 6, 2016. The Plaintiff denies that it has taken any action or failed to take required action that would justify it being removed from the "energyright" program.

5) The Plaintiff avers that the Defendant's decision to suspend the Plaintiff from the QCN program was arbitrary, capricious and without justification, causing substantial harm to the plaintiff's business. The damage to the Plaintiff's reputation being removed from the QCN program will be irreparable. A substantial portion of the Plaintiff's gross revenue is derived from participation in the QCN.

WHEREFORE, the Plaintiff prays that this Court will enter an immediate Temporary Restraining Order enjoining CLEAResult from removing the Plaintiff from the Quality Contractor Network, to grant to the Plaintiff a Preliminary Injunction and Permanent Injunction of the same nature, and will grant to the Plaintiff such further and different relief to which the Plaintiff may be entitled including an award of damages, costs and fees as the Court may deem appropriate.

David Johnson Construction Co. Inc.



By: David Johnson.

STATE OF ALABAMA)
)
JACKSON COUNTY)

I, the undersigned authority, a Notary Public, in and for said County and State, hereby certify that David Johnson, whose name is signed to the foregoing, and who is known to

me, acknowledged before me on this day that he has read the foregoing and that it is true and correct to the best of his information, knowledge and belief.

Given under my hand this 5th day of December, 2016.

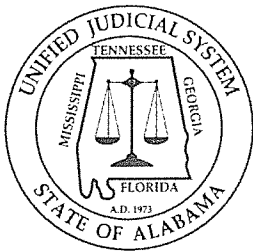
Bill S. Reed
NOTARY PUBLIC

My Commission Expires 11-7-2020

/s/ John F. Porter, III
JOHN F. PORTER, III
ASB No. POR006
Attorney for Plaintiff

OF COUNSEL:

The Porter Law Group, PC
123 East Laurel Street
Scottsboro, Alabama 35768
Telephone: (256) 574-5156
Facsimile: (256) 574-6552



AlaFile E-Notice

39-CV-2016-900248.00

To: JOHN FINLEY PORTER III
johnf@johnporterlaw.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARRESULT CONSUL
39-CV-2016-900248.00

The following complaint was FILED on 12/6/2016 10:26:28 AM

Notice Date: 12/6/2016 10:26:28 AM

DONNA BARKSDALE
CIRCUIT COURT CLERK
JACKSON COUNTY, ALABAMA
JACKSON CO COURTHOUSE, SUITE 307
102 EAST LAUREL STREET
SCOTTSBORO, AL, 35768

256-574-9320
Donna.Barksdale@alacourt.gov



AlaFile E-Notice

39-CV-2016-900248.00

To: CLEARESLT CONSULTING, INC. D/B/A CLEARESLT
2 NORTH JACKSON STREET
SUITE 605
MONTGOMERY, AL, 36104

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARESLT CONSUL
39-CV-2016-900248.00

The following complaint was FILED on 12/6/2016 10:26:28 AM

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DONNA BARKSDALE
CIRCUIT COURT CLERK
JACKSON COUNTY, ALABAMA
JACKSON CO COURTHOUSE, SUITE 307
102 EAST LAUREL STREET
SCOTTSBORO, AL, 35768

256-574-9320
Donna.Barksdale@alacourt.gov

State of Alabama Unified Judicial System Form C-34 Rev 6/88	SUMMONS - CIVIL -	Case Number: 39-CV-2016-900248.00
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IN THE CIRCUIT COURT OF JACKSON COUNTY

DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARRESULT CONSUL

CLEARRESULT CONSULTING, INC. D/B/A CLEARRESULT, 2 NORTH JACKSON STREET SUITE 605, MONTGOMERY, AL 36104

NOTICE TO _____

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE OPPOSING PARTY'S ATTORNEY JOHN FINLEY PORTER III

WHOSE ADDRESS IS 123 EAST LAUREL STREET, SCOTTSBORO, AL 35768

THE ANSWER MUST BE MAILED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.

TO ANY SHERIFF OR ANY PERSONNEL AUTHORIZED by the Alabama Rules of the Civil Procedure:

☐ You are hereby commanded to serve this summons and a copy of the complaint in this action upon the defendant

☒ Service by certified mail of this summons is initiated upon the written request of DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON

pursuant to the Alabama Rules of the Civil Procedure

Date 12/6/2016 10:26:28 AM /s/ DONNA BARKSDALE

Clerk/Register
 JACKSON CO COURTHOUSE, SUITE 307
 102 EAST LAUREL STREET
 SCOTTSBORO, AL 35768

☒ Certified Mail is hereby requested /s/ JOHN FINLEY PORTER III

Plaintiff's/Attorney's Signature


RETURN ON SERVICE:

☐ Return receipt of certified mail received in this office on _____

☐ I certify that I personally delivered a copy of the Summons and Complaint to _____

_____ in _____ County, Alabama on _____ (Date)

Date _____	Server's Signature _____	Address of Server _____
Type of Server _____	Server's Printed Name _____	Phone Number of Server _____

STATE OF ALABAMA Unified Judicial System 39-JACKSON		Revised 3/5/08	Cas		CV2
<input type="checkbox"/> District Court <input checked="" type="checkbox"/> Circuit Court					
DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARRESULT CONSUL		CIVIL MOTION COVER SHEET <i>Name of Filing Party:</i> C001 - DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON			
<i>Name, Address, and Telephone No. of Attorney or Party. If Not Represented.</i> JOHN FINLEY PORTER III 123 EAST LAUREL STREET SCOTTSBORO, AL 35768 Attorney Bar No.: POR006		<input type="checkbox"/> Oral Arguments Requested			
TYPE OF MOTION					
Motions Requiring Fee			Motions Not Requiring Fee		
<input type="checkbox"/> Default Judgment (\$50.00) Joinder in Other Party's Dispositive Motion <input type="checkbox"/> (i.e. Summary Judgment, Judgment on the Pleadings, or other Dispositive Motion not pursuant to Rule 12(b)) (\$50.00) <input type="checkbox"/> Judgment on the Pleadings (\$50.00) <input type="checkbox"/> Motion to Dismiss, or in the Alternative Summary Judgment (\$50.00) Renewed Dispositive Motion (Summary <input type="checkbox"/> Judgment, Judgment on the Pleadings, or other Dispositive Motion not pursuant to Rule 12(b)) (\$50.00) <input type="checkbox"/> Summary Judgment pursuant to Rule 56 (\$50.00) <input type="checkbox"/> Motion to Intervene (\$297.00) <input checked="" type="checkbox"/> Other pursuant to Rule _____ (\$50.00) *Motion fees are enumerated in §12-19-71(a). Fees pursuant to Local Act are not included. Please contact the Clerk of the Court regarding applicable local fees. <input type="checkbox"/> Local Court Costs \$ 0 _____			<input type="checkbox"/> Add Party <input type="checkbox"/> Amend <input type="checkbox"/> Change of Venue/Transfer <input type="checkbox"/> Compel <input type="checkbox"/> Consolidation <input type="checkbox"/> Continue <input type="checkbox"/> Deposition <input type="checkbox"/> Designate a Mediator <input type="checkbox"/> Judgment as a Matter of Law (during Trial) <input type="checkbox"/> Disburse Funds <input type="checkbox"/> Extension of Time <input type="checkbox"/> In Limine <input type="checkbox"/> Joinder <input type="checkbox"/> More Definite Statement <input type="checkbox"/> Motion to Dismiss pursuant to Rule 12(b) <input type="checkbox"/> New Trial <input type="checkbox"/> Objection of Exemptions Claimed <input type="checkbox"/> Pendente Lite <input type="checkbox"/> Plaintiff's Motion to Dismiss <input type="checkbox"/> Preliminary Injunction <input type="checkbox"/> Protective Order <input type="checkbox"/> Quash <input type="checkbox"/> Release from Stay of Execution <input type="checkbox"/> Sanctions <input type="checkbox"/> Sever <input type="checkbox"/> Special Practice in Alabama <input type="checkbox"/> Stay <input type="checkbox"/> Strike <input type="checkbox"/> Supplement to Pending Motion <input type="checkbox"/> Vacate or Modify <input type="checkbox"/> Withdraw <input checked="" type="checkbox"/> Other <u>ATTORNEY'S CERTIFICATION</u> pursuant to Rule 65 (Subject to Filing Fee)		
Check here if you have filed or are filing contemporaneously with this motion an Affidavit of Substantial Hardship or if you are filing on behalf of an agency or department of the State, county, or municipal government. (Pursuant to §6-5-1 Code of Alabama (1975), governmental entities are exempt from prepayment of filing fees) <input type="checkbox"/>		Date: 12/6/2016 11:04:35 AM		Signature of Attorney or Party /s/ JOHN FINLEY PORTER III	

*This Cover Sheet must be completed and submitted to the Clerk of Court upon the filing of any motion. Each motion should contain a separate Cover Sheet.

**Motions titled 'Motion to Dismiss' that are not pursuant to Rule 12(b) and are in fact Motions for Summary Judgments are subject to filing fee.



ELECTRONICALLY FILED
12/6/2016 11:05 AM
39-CV-2016-900248.00
CIRCUIT COURT OF
JACKSON COUNTY, ALABAMA
DONNA BARKSDALE, CLERK

David Johnson Construction Co. Inc.,	)	IN THE
d/b/a Johnson Heating and Cooling)	
	)	CIRCUIT COURT OF
PLAINTIFF)	
v.	)	JACKSON COUNTY,
)	
Clearesult Consulting Inc.,	)	ALABAMA
d/b/a. CLEAResult;)	
A, B & C, being those firms, persons or	)	CIVIL ACTION NO.: CV-2016-900248
entities directing or having control over)	
the Quality Contractor Network of the)	
Tennessee Valley Authority)	
)	
DEFENDANTS)	

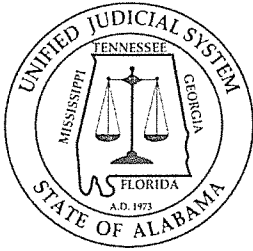
ATTORNEY'S CERTIFICATION

NOW COMES the undersigned as counsel for the Plaintiff and pursuant to Rule 65 (b) of the Alabama Rules of Civil Procedure and does hereby certify to the Court that prior to the filing of the Motion for Temporary Restraining Order that he has delivered to the Defendant a copy of the Summons and Complaint, either by electronic mail or by facsimile.

/s/ John F. Porter, III
JOHN F. PORTER, III
ASB No. POR006
Attorney for Plaintiff

OF COUNSEL:

The Porter Law Group, PC
123 East Laurel Street
Scottsboro, Alabama 35768
Telephone: (256) 574-5156
Facsimile: (256) 574-6552



AlaFile E-Notice

39-CV-2016-900248.00

Judge: JOHN H GRAHAM

To: JOHN FINLEY PORTER III
johnf@johnporterlaw.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARESLT CONSUL
39-CV-2016-900248.00

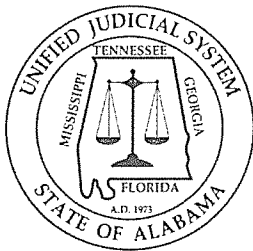
The following matter was FILED on 12/6/2016 11:05:52 AM

C001 DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON
ATTORNEY'S CERTIFICATION
[Filer: PORTER JOHN FINLEY III]

Notice Date: 12/6/2016 11:05:52 AM

DONNA BARKSDALE
CIRCUIT COURT CLERK
JACKSON COUNTY, ALABAMA
JACKSON CO COURTHOUSE, SUITE 307
102 EAST LAUREL STREET
SCOTTSBORO, AL, 35768

256-574-9320
Donna.Barksdale@alacourt.gov



AlaFile E-Notice

39-CV-2016-900248.00

Judge: JOHN H GRAHAM

To: CLEARESLT CONSULTING, INC. D/B/A CLEARESLT (PRO SE)
2 NORTH JACKSON STREET
SUITE 605
MONTGOMERY, AL, 36104-0000

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARESLT CONSUL
39-CV-2016-900248.00

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C001 DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON
ATTORNEY'S CERTIFICATION
[Filer: PORTER JOHN FINLEY III]

Notice Date: 12/6/2016 11:05:52 AM

DONNA BARKSDALE
CIRCUIT COURT CLERK
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102 EAST LAUREL STREET
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12/6/2016 11:16 AM
39-CV-2016-900248.00
CIRCUIT COURT OF
JACKSON COUNTY, ALABAMA
DONNA BARKSDALE, CLERK

David Johnson Construction Co. Inc.,	)	IN THE
d/b/a Johnson Heating and Cooling)	
	)	CIRCUIT COURT OF
PLAINTIFF)	
v.	)	JACKSON COUNTY,
)	
Clearesult Consulting Inc.,	)	ALABAMA
d/b/a. CLEAResult;)	
A, B & C, being those firms, persons or	)	CIVIL ACTION NO.: CV-2016-900248
entities directing or having control over)	
the Quality Contractor Network of the)	
Tennessee Valley Authority)	
)	
DEFENDANTS)	

TEMPORARY RESTRAINING ORDER

Upon consideration of the Verified Complaint filed by the Plaintiff it is hereby ORDERED as follows:


1) Clearesults Consulting, Inc. doing business as CLEAResults is hereby immediately restrained and enjoined from removing Johnson Heating and Cooling from the Quality Contractor's Network list of approved contractors to participate in the TVA "energyright" program and if Johnson Heating and Cooling has already been removed their name shall be immediately reinstated to the list.

2) The Plaintiff shall immediately post a bond with the Clerk of the Court in the amount of \$ 5,000.00 as required by Rule 62 of the Alabama Rules of Civil Procedure.

3) This matter is set for hearing before the Court on the Plaintiff's Request for Preliminary Injunction on the 15th day of December, 2016 at 10:00 o'clock A.m.

4) The Clerk shall cause a copy of this Order to be served upon the Defendant along with the Summons and Complaint in this cause. Counsel for the Plaintiff shall deliver a copy of this Order to the Defendant by the most expeditious means available.

Done this 6th day of December, 2016

A handwritten signature in dark ink, appearing to read "John H. Graham", written over a horizontal line.

John H. Graham Circuit Judge

© 11:02 am



AlaFile E-Notice

39-CV-2016-900248.00

Judge: JOHN H GRAHAM

To: CLEARESLT CONSULTING, INC. D/B/A CLEARESLT (PRO SE)
2 NORTH JACKSON STREET
SUITE 605
MONTGOMERY, AL, 36104-0000

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

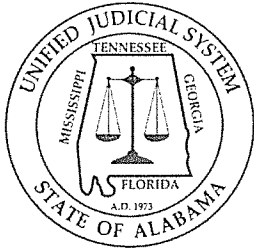
DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARESLT CONSUL
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The following matter was FILED on 12/6/2016 11:16:53 AM

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JACKSON COUNTY, ALABAMA
JACKSON CO COURTHOUSE, SUITE 307
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Judge: JOHN H GRAHAM

To: PORTER JOHN FINLEY III
johnf@johnporterlaw.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARESLT CONSUL
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CIRCUIT COURT CLERK
JACKSON COUNTY, ALABAMA
JACKSON CO COURTHOUSE, SUITE 307
102 EAST LAUREL STREET
SCOTTSBORO, AL, 35768

256-574-9320
Donna.Barksdale@alacourt.gov

STATE OF ALABAMA Unified Judicial System 39-JACKSON		Revised 3/5/08 <input type="checkbox"/> District Court <input checked="" type="checkbox"/> Circuit Court	Cas CV21	 ELECTRONICALLY FILED 12/7/2016 9:14 AM 39-CV-2016-900248.00 CIRCUIT COURT OF JACKSON COUNTY, ALABAMA DONNA BARKSDALE, CLERK
DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARRESULT CONSUL		CIVIL MOTION COVER SHEET <i>Name of Filing Party:</i> C001 - DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON		
<i>Name, Address, and Telephone No. of Attorney or Party. If Not Represented.</i> JOHN FINLEY PORTER III 123 EAST LAUREL STREET SCOTTSBORO, AL 35768 Attorney Bar No.: POR006		<input type="checkbox"/> Oral Arguments Requested		
TYPE OF MOTION				
Motions Requiring Fee		Motions Not Requiring Fee		
<input type="checkbox"/> Default Judgment (\$50.00) Joinder in Other Party's Dispositive Motion <input type="checkbox"/> (i.e. Summary Judgment, Judgment on the Pleadings, or other Dispositive Motion not pursuant to Rule 12(b)) (\$50.00) <input type="checkbox"/> Judgment on the Pleadings (\$50.00) <input type="checkbox"/> Motion to Dismiss, or in the Alternative Summary Judgment (\$50.00) Renewed Dispositive Motion (Summary <input type="checkbox"/> Judgment, Judgment on the Pleadings, or other Dispositive Motion not pursuant to Rule 12(b)) (\$50.00) <input type="checkbox"/> Summary Judgment pursuant to Rule 56 (\$50.00) <input type="checkbox"/> Motion to Intervene (\$297.00) <input checked="" type="checkbox"/> Other pursuant to Rule _____ (\$50.00) *Motion fees are enumerated in §12-19-71(a). Fees pursuant to Local Act are not included. Please contact the Clerk of the Court regarding applicable local fees. <input type="checkbox"/> Local Court Costs \$ 0 _____		<input type="checkbox"/> Add Party <input type="checkbox"/> Amend <input type="checkbox"/> Change of Venue/Transfer <input type="checkbox"/> Compel <input type="checkbox"/> Consolidation <input type="checkbox"/> Continue <input type="checkbox"/> Deposition <input type="checkbox"/> Designate a Mediator <input type="checkbox"/> Judgment as a Matter of Law (during Trial) <input type="checkbox"/> Disburse Funds <input type="checkbox"/> Extension of Time <input type="checkbox"/> In Limine <input type="checkbox"/> Joinder <input type="checkbox"/> More Definite Statement <input type="checkbox"/> Motion to Dismiss pursuant to Rule 12(b) <input type="checkbox"/> New Trial <input type="checkbox"/> Objection of Exemptions Claimed <input type="checkbox"/> Pendente Lite <input type="checkbox"/> Plaintiff's Motion to Dismiss <input type="checkbox"/> Preliminary Injunction <input type="checkbox"/> Protective Order <input type="checkbox"/> Quash <input type="checkbox"/> Release from Stay of Execution <input type="checkbox"/> Sanctions <input type="checkbox"/> Sever <input type="checkbox"/> Special Practice in Alabama <input type="checkbox"/> Stay <input type="checkbox"/> Strike <input type="checkbox"/> Supplement to Pending Motion <input type="checkbox"/> Vacate or Modify <input type="checkbox"/> Withdraw <input checked="" type="checkbox"/> Other Notice of Deposit pursuant to Rule _____ Rule _____ (Subject to Filing Fee)		
Check here if you have filed or are filing contemporaneously with this motion an Affidavit of Substantial Hardship or if you are filing on behalf of an agency or department of the State, county, or municipal government. (Pursuant to §6-5-1 Code of Alabama (1975), governmental entities are exempt from prepayment of filing fees) <input type="checkbox"/>		Date: 12/7/2016 9:12:29 AM		Signature of Attorney or Party /s/ JOHN FINLEY PORTER III

*This Cover Sheet must be completed and submitted to the Clerk of Court upon the filing of any motion. Each motion should contain a separate Cover Sheet.
 **Motions titled 'Motion to Dismiss' that are not pursuant to Rule 12(b) and are in fact Motions for Summary Judgments are subject to filing fee.



ELECTRONICALLY FILED
12/7/2016 9:14 AM
39-CV-2016-900248.00
CIRCUIT COURT OF
JACKSON COUNTY, ALABAMA
DONNA BARKSDALE, CLERK

David Johnson Construction Co. Inc.,	)	IN THE
d/b/a Johnson Heating and Cooling)	
	)	CIRCUIT COURT OF
PLAINTIFF)	
v.	)	JACKSON COUNTY,
)	
Clearesult Consulting Inc.,	)	ALABAMA
d/b/a. CLEAResult;)	
A, B & C, being those firms, persons or	)	CIVIL ACTION NO.: CV-2016-900248
entities directing or having control over)	
the Quality Contractor Network of the)	
Tennessee Valley Authority in Jackson)	
County, Alabama)	
)	
DEFENDANTS)	

NOTICE OF DEPOSIT

NOW COMES the Plaintiff and give notice of deposit of the sum of Five Thousand dollars (\$5,000.00) in satisfaction of the bond required by the Court.

/s/ John F. Porter, III
JOHN F. PORTER, III
ASB No. POR006
Attorney for Plaintiff

OF COUNSEL:

The Porter Law Group, PC
123 East Laurel Street
Scottsboro, Alabama 35768
Telephone: (256) 574-5156
Facsimile: (256) 574-6552

CERTIFICATE OF SERVICE

I do hereby certify that a copy of the foregoing has been served upon the following party by depositing a copy of the same in the appropriate Courthouse Receptacle; in the U.S. Mail, postage prepaid and properly addressed; or via Electronic Mail; or if the party being served is a registered participant of the AlaFile System, service has been made by "Notice of Electronic Filing" on this 7th day of December, 2016:

Clearesult Consulting, Inc.
2 North Jackson Street, Suite 605
Montgomery, Alabama 36104

Via U.S. Mail



AlaFile E-Notice

39-CV-2016-900248.00

Judge: JOHN H GRAHAM

To: JOHN FINLEY PORTER III
johnf@johnporterlaw.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARRESULT CONSUL
39-CV-2016-900248.00

The following matter was FILED on 12/7/2016 9:15:02 AM

C001 DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON
NOTICE OF DEPOSIT
[Filer: PORTER JOHN FINLEY III]

Notice Date: 12/7/2016 9:15:02 AM

DONNA BARKSDALE
CIRCUIT COURT CLERK
JACKSON COUNTY, ALABAMA
JACKSON CO COURTHOUSE, SUITE 307
102 EAST LAUREL STREET
SCOTTSBORO, AL, 35768

256-574-9320
Donna.Barksdale@alacourt.gov



AlaFile E-Notice

39-CV-2016-900248.00

Judge: JOHN H GRAHAM

To: CLEARESLT CONSULTING, INC. D/B/A CLEARESLT (PRO SE)
2 NORTH JACKSON STREET
SUITE 605
MONTGOMERY, AL, 36104-0000

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARESLT CONSUL
39-CV-2016-900248.00

The following matter was FILED on 12/7/2016 9:15:02 AM

C001 DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON
NOTICE OF DEPOSIT
[Filer: PORTER JOHN FINLEY III]

Notice Date: 12/7/2016 9:15:02 AM

DONNA BARKSDALE
CIRCUIT COURT CLERK
JACKSON COUNTY, ALABAMA
JACKSON CO COURTHOUSE, SUITE 307
102 EAST LAUREL STREET
SCOTTSBORO, AL, 35768

256-574-9320
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- ☐ Return Receipt (electronic) \$ _____
- ☐ Certified Mail Restricted Delivery \$ _____
- ☐ Adult Signature Required \$ _____
- ☐ Adult Signature Restricted Delivery \$ _____

Postage

\$

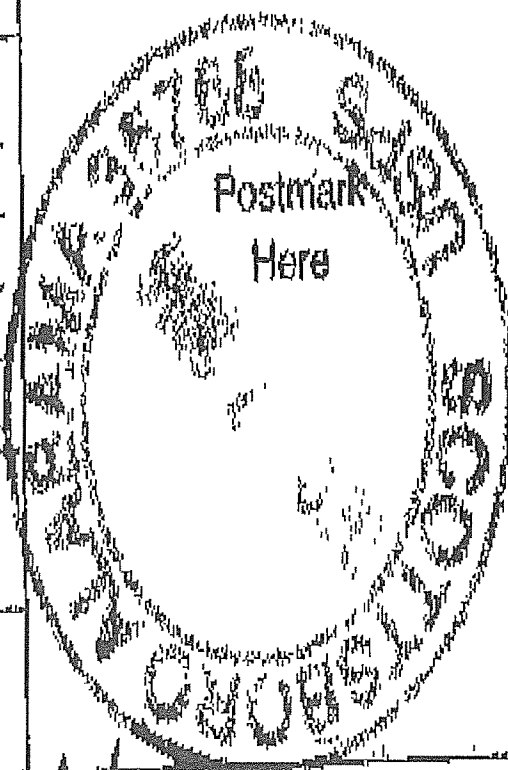
Total Postage and Fees

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City, State, ZIP+4®



Clariscult Consulting
2016-900248 dool

2016 1370 0002 1864 4902 9902



ELECTRONICALLY FILED
12/14/2016 2:20 PM
39-CV-2016-900248.00
CIRCUIT COURT OF
JACKSON COUNTY, ALABAMA
DONNA BARKSDALE, CLERK

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON CONSTRUCTION
CO., INC., d/b/a JOHNSON
HEATING AND COOLING,

PLAINTIFF,

VS.

CLEARRESULT CONSULTING, INC.,
d/b/a CLEARRESULT,

DEFENDANT.

CIVIL ACTION NO.: CV 16-900248

NOTICE OF APPEARANCE

COMES NOW Jordan D. Watson of the law firm of Carr Allison and hereby appears as counsel on behalf of the Defendant, CLEAResult Consulting, Inc., in the above-styled cause.

Respectfully submitted,

/s/Jordan D. Watson
Jordan D. Watson (WAT082)
Attorney for Defendant

OF COUNSEL:

CARR ALLISON
100 Vestavia Parkway
Birmingham, Alabama 35216
Telephone: (205) 822-2006
Facsimile: (205) 822-2057

CERTIFICATE OF SERVICE

I hereby certify that I have this date, December 14, 2016, electronically filed the foregoing with the Clerk of Court using the Alabama e-filing system which will send notification of such filing to all counsel of record:

John F. Porter, III, Esq.
The Porter Law Group, P.C.
124 East Laurel Street
Scottsboro, AL 35768

/s/Jordan D. Watson
OF COUNSEL



AlaFile E-Notice

39-CV-2016-900248.00

To: PORTER JOHN FINLEY III
johnf@johnporterlaw.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARRESULT CONSUL
39-CV-2016-900248.00

The following NOTICE OF APPEARANCE was FILED on 12/14/2016 2:20:20 PM

Notice Date: 12/14/2016 2:20:20 PM

DONNA BARKSDALE
CIRCUIT COURT CLERK
JACKSON COUNTY, ALABAMA
JACKSON CO COURTHOUSE, SUITE 307
102 EAST LAUREL STREET
SCOTTSBORO, AL, 35768

256-574-9320
Donna.Barksdale@alacourt.gov



AlaFile E-Notice

39-CV-2016-900248.00

To: CLEARESLT CONSULTING, INC. D/B/A CLEARESLT (PRO SE)
2 NORTH JACKSON STREET
SUITE 605
MONTGOMERY, AL, 36104-0000

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARESLT CONSUL
39-CV-2016-900248.00

The following NOTICE OF APPEARANCE was FILED on 12/14/2016 2:20:20 PM

Notice Date: 12/14/2016 2:20:20 PM

DONNA BARKSDALE
CIRCUIT COURT CLERK
JACKSON COUNTY, ALABAMA
JACKSON CO COURTHOUSE, SUITE 307
102 EAST LAUREL STREET
SCOTTSBORO, AL, 35768

256-574-9320
Donna.Barksdale@alacourt.gov



AlaFile E-Notice

39-CV-2016-900248.00

To: JORDAN DAVID WATSON
jwatson@carrallison.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARRESULT CONSUL
39-CV-2016-900248.00

The following NOTICE OF APPEARANCE was FILED on 12/14/2016 2:20:20 PM

Notice Date: 12/14/2016 2:20:20 PM

DONNA BARKSDALE
CIRCUIT COURT CLERK
JACKSON COUNTY, ALABAMA
JACKSON CO COURTHOUSE, SUITE 307
102 EAST LAUREL STREET
SCOTTSBORO, AL, 35768

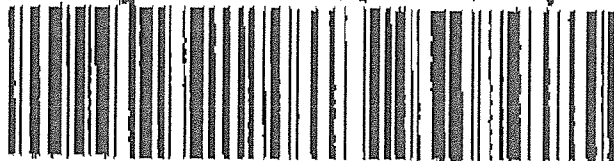
256-574-9320
Donna.Barksdale@alacourt.gov

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- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
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1. Article Addressed to:

Clearcut Consulting, Inc.
2 North Jackson Street
Ste. 605
Montgomery, AL 36104
CV 16-900248 d001



9590 9402 1933 6123 9387 81

2. Article Number (Transfer from service label)

7016 1370 0002 1864 2866

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A. Signature

X *Mama Payne*☐ Agent☐ Addressee

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C. Date of Delivery

12.9.16

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

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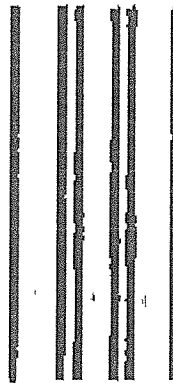
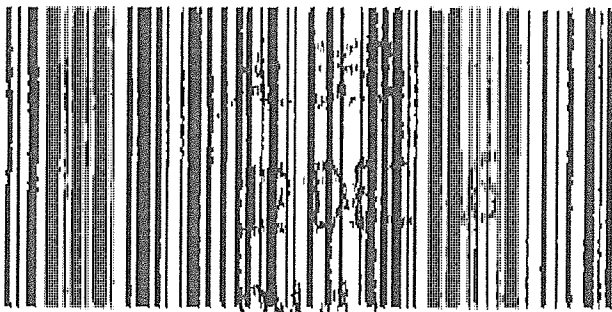
☐ Adult Signature☐ Adult Signature Restricted Delivery☒ Certified Mail®☐ Certified Mail Restricted Delivery☐ Collect on Delivery☐ Collect on Delivery Restricted Delivery☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted Delivery☒ Return Receipt for Merchandise☐ Signature Confirmation™☐ Signature Confirmation Restricted Delivery

1a)

1a) Restricted Delivery

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Circuit Clerk, Jackson County

Courthouse

102 East Laurel Street

Scottsboro, AL 35768





AlaFile E-Notice

39-CV-2016-900248.00

Judge: JOHN H GRAHAM

To: PORTER JOHN FINLEY III
johnf@johnporterlaw.com

NOTICE OF SERVICE

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARESLT CONSUL
39-CV-2016-900248.00

The following matter was served on 12/9/2016

D001 CLEARESLT CONSULTING, INC. D/B/A CLEARESLT
Corresponding To
CERTIFIED MAIL

DONNA BARKSDALE
CIRCUIT COURT CLERK
JACKSON COUNTY, ALABAMA
JACKSON CO COURTHOUSE, SUITE 307
102 EAST LAUREL STREET
SCOTTSBORO, AL, 35768

256-574-9320
Donna.Barksdale@alacourt.gov

12/15/2016 1:11 PM

39-CV-2016-900248.00

CIRCUIT COURT OF

JACKSON COUNTY, ALABAMA

DONNA BARKSDALE, CLERK

STATE OF ALABAMA

Revised 3/5/08

Cas



Unified Judicial System

39-JACKSON

☐ District Court☒ Circuit Court

CV2

DAVID JOHNSON CONSTRUCTION CO. INC.
D/B/A JOHNSON V. CLEARRESULT CONSUL

CIVIL MOTION COVER SHEET

Name of Filing Party: C001 - DAVID JOHNSON CONSTRUCTION CO.
INC. D/B/A JOHNSON

Name, Address, and Telephone No. of Attorney or Party. If Not Represented.

JOHN FINLEY PORTER III
123 EAST LAUREL STREET
SCOTTSBORO, AL 35768

Attorney Bar No.: POR006

☐ Oral Arguments Requested

TYPE OF MOTION

Motions Requiring Fee

- ☐ Default Judgment (\$50.00)
- ☐ Joinder in Other Party's Dispositive Motion
(i.e. Summary Judgment, Judgment on the Pleadings,
or other Dispositive Motion not pursuant to Rule 12(b))
(\$50.00)
- ☐ Judgment on the Pleadings (\$50.00)
- ☐ Motion to Dismiss, or in the Alternative
Summary Judgment (\$50.00)
- ☐ Renewed Dispositive Motion (Summary
Judgment, Judgment on the Pleadings, or other
Dispositive Motion not pursuant to Rule 12(b)) (\$50.00)
- ☐ Summary Judgment pursuant to Rule 56 (\$50.00)
- ☐ Motion to Intervene (\$297.00)
- ☐ Other _____
pursuant to Rule _____ (\$50.00)

*Motion fees are enumerated in §12-19-71(a). Fees
pursuant to Local Act are not included. Please contact the
Clerk of the Court regarding applicable local fees.

☐ Local Court Costs \$ 0 _____

Motions Not Requiring Fee

- ☐ Add Party
- ☐ Amend
- ☐ Change of Venue/Transfer
- ☐ Compel
- ☐ Consolidation
- ☒ Continue
- ☐ Deposition
- ☐ Designate a Mediator
- ☐ Judgment as a Matter of Law (during Trial)
- ☐ Disburse Funds
- ☐ Extension of Time
- ☐ In Limine
- ☐ Joinder
- ☐ More Definite Statement
- ☐ Motion to Dismiss pursuant to Rule 12(b)
- ☐ New Trial
- ☐ Objection of Exemptions Claimed
- ☐ Pendente Lite
- ☐ Plaintiff's Motion to Dismiss
- ☐ Preliminary Injunction
- ☐ Protective Order
- ☐ Quash
- ☐ Release from Stay of Execution
- ☐ Sanctions
- ☐ Sever
- ☐ Special Practice in Alabama
- ☐ Stay
- ☐ Strike
- ☐ Supplement to Pending Motion
- ☐ Vacate or Modify
- ☐ Withdraw
- ☐ Other _____
pursuant to Rule _____ (Subject to Filing Fee)

Check here if you have filed or are filing contemporaneously
with this motion an Affidavit of Substantial Hardship or if you
are filing on behalf of an agency or department of the State,
county, or municipal government. (Pursuant to §6-5-1 Code
of Alabama (1975), governmental entities are exempt from
prepayment of filing fees) ☐

Date:
12/15/2016 1:09:00 PM

Signature of Attorney or Party
/s/ JOHN FINLEY PORTER III

*This Cover Sheet must be completed and submitted to the Clerk of Court upon the filing of any motion. Each motion should contain a separate Cover Sheet.
**Motions titled 'Motion to Dismiss' that are not pursuant to Rule 12(b) and are in fact Motions for Summary Judgments are subject to filing fee.



ELECTRONICALLY FILED
12/15/2016 1:11 PM
39-CV-2016-900248.00
CIRCUIT COURT OF
JACKSON COUNTY, ALABAMA
DONNA BARKSDALE, CLERK

David Johnson Construction Co. Inc.,	)	IN THE
d/b/a Johnson Heating and Cooling)	
	)	CIRCUIT COURT OF
PLAINTIFF)	
v.	)	JACKSON COUNTY,
)	
Clearesult Consulting Inc.,	)	ALABAMA
d/b/a. CLEAResult;)	
A, B & C, being those firms, persons or	)	CIVIL ACTION NO.: CV-2016-900248
entities directing or having control over)	
the Quality Contractor Network of the)	
Tennessee Valley Authority in Jackson)	
County, Alabama)	
)	
DEFENDANTS)	

MOTION TO CONTINUE

NOW COMES the Plaintiff in this matter and, with the consent of the Defendant, moves this Court to continue the hearing on the Preliminary Injunction so as to allow the Plaintiff to add additional necessary parties, including the Tennessee Valley Authority.

/s/ John F. Porter, III
JOHN F. PORTER, III
ASB No. POR006
Attorney for Plaintiff

OF COUNSEL:

The Porter Law Group, PC
123 East Laurel Street
Scottsboro, Alabama 35768
Telephone: (256) 574-5156
Facsimile: (256) 574-6552

CERTIFICATE OF SERVICE

I do hereby certify that a copy of the foregoing has been served upon the following party by depositing a copy of the same in the appropriate Courthouse Receptacle; in the U.S. Mail, postage prepaid and properly addressed; or via Electronic Mail; or if the party being served is a registered participant of the AlaFile System, service has been made by "Notice of Electronic Filing" on this 15th day of December, 2016:

Jordan D. Watson
100 Vestavia Parkway
Birmingham, AL 35216

Via Alafile Systems



ELECTRONICALLY FILED
12/15/2016 1:11 PM
39-CV-2016-900248.00
CIRCUIT COURT OF
JACKSON COUNTY, ALABAMA
DONNA BARKSDALE, CLERK

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON
CONSTRUCTION CO. INC. D/B/A
JOHNSON

Plaintiff,

V.

CLEARRESULT CONSULTING, INC.
D/B/A CLEARRESULT

Defendant.

Case No.: CV-2016-900248.00

ORDER

Upon consideration of the Plaintiff's Motion to Continue and the Defendant's consent thereto, it is hereby ORDERED that the hearing scheduled for December 15, 2016 is hereby continued to be reset upon motion of any party. The Plaintiff shall, proceed to add all necessary parties including, but not necessary limited to the Tennessee Valley Authority. The Court's prior Order and the bond posted by the Plaintiff shall remain in full force and effect pending further Order of the Court.

DONE this [To be filled by the Judge].

/s/[To be filled by the Judge]

CIRCUIT JUDGE



AlaFile E-Notice

39-CV-2016-900248.00

Judge: JOHN H GRAHAM

To: JOHN FINLEY PORTER III
johnf@johnporterlaw.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARRESULT CONSUL
39-CV-2016-900248.00

The following matter was FILED on 12/15/2016 1:11:45 PM

C001 DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON
MOTION TO CONTINUE
[Filer: PORTER JOHN FINLEY III]

Notice Date: 12/15/2016 1:11:45 PM

DONNA BARKSDALE
CIRCUIT COURT CLERK
JACKSON COUNTY, ALABAMA
JACKSON CO COURTHOUSE, SUITE 307
102 EAST LAUREL STREET
SCOTTSBORO, AL, 35768

256-574-9320
Donna.Barksdale@alacourt.gov



AlaFile E-Notice

39-CV-2016-900248.00

Judge: JOHN H GRAHAM

To: WATSON JORDAN DAVID
jwatson@carrallison.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARRESULT CONSUL
39-CV-2016-900248.00

The following matter was FILED on 12/15/2016 1:11:45 PM

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MOTION TO CONTINUE

[Filer: PORTER JOHN FINLEY III]

Notice Date: 12/15/2016 1:11:45 PM

DONNA BARKSDALE
CIRCUIT COURT CLERK
JACKSON COUNTY, ALABAMA
JACKSON CO COURTHOUSE, SUITE 307
102 EAST LAUREL STREET
SCOTTSBORO, AL, 35768

256-574-9320
Donna.Barksdale@alacourt.gov



ELECTRONICALLY FILED
12/15/2016 4:30 PM
39-CV-2016-900248.00
CIRCUIT COURT OF
JACKSON COUNTY, ALABAMA
DONNA BARKSDALE, CLERK

David Johnson Construction Co. Inc.,	)	IN THE
d/b/a Johnson Heating and Cooling)	
	)	CIRCUIT COURT OF
PLAINTIFF)	
v.	)	JACKSON COUNTY,
)	
Clearesult Consulting Inc.,	)	ALABAMA
d/b/a. CLEAResult;)	
A, B & C, being those firms, persons or	)	CIVIL ACTION NO.: CV-2016-900248
entities directing or having control over)	
the Quality Contractor Network of the)	
Tennessee Valley Authority)	
)	
DEFENDANTS)	

ORDER

Upon consideration of the Plaintiff's Motion to Continue and the Defendant's consent thereto, it is hereby ORDERED that the hearing scheduled for December 15, 2016 is hereby continued to be reset upon motion of any party. The Plaintiff shall, proceed to add all necessary parties including, but not necessary limited to the Tennessee Valley Authority. The Court's prior Order and the bond posted by the Plaintiff shall remain in full force and effect pending further Order of the Court.

Done this 15th day of December, 2016

John H. Graham, Circuit Judge



AlaFile E-Notice

39-CV-2016-900248.00

Judge: JOHN H GRAHAM

To: PORTER JOHN FINLEY III
johnf@johnporterlaw.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARRESULT CONSUL
39-CV-2016-900248.00

The following matter was FILED on 12/15/2016 4:30:17 PM

Notice Date: 12/15/2016 4:30:17 PM

DONNA BARKSDALE
CIRCUIT COURT CLERK
JACKSON COUNTY, ALABAMA
JACKSON CO COURTHOUSE, SUITE 307
102 EAST LAUREL STREET
SCOTTSBORO, AL, 35768

256-574-9320
Donna.Barksdale@alacourt.gov



AlaFile E-Notice

39-CV-2016-900248.00

Judge: JOHN H GRAHAM

To: WATSON JORDAN DAVID
jwatson@carrallison.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARRESULT CONSUL
39-CV-2016-900248.00

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JACKSON COUNTY, ALABAMA
JACKSON CO COURTHOUSE, SUITE 307
102 EAST LAUREL STREET
SCOTTSBORO, AL, 35768

256-574-9320
Donna.Barksdale@alacourt.gov

STATE OF ALABAMA Unified Judicial System 39-JACKSON		Revised 3/5/08 <input type="checkbox"/> District Court <input checked="" type="checkbox"/> Circuit Court	Cas CV21	 ELECTRONICALLY FILED 3/29/2017 4:10 PM 39-CV-2016-900248.00 CIRCUIT COURT OF JACKSON COUNTY, ALABAMA DONNA BARKSDALE, CLERK
DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARESLT CONSUL		CIVIL MOTION COVER SHEET Name of Filing Party: D001 - CLEARESLT CONSULTING, INC. D/B/A CLEARESLT		
Name, Address, and Telephone No. of Attorney or Party. If Not Represented. JORDAN DAVID WATSON 100 VESTAVIA PARKWAY BIRMINGHAM, AL 35216 Attorney Bar No.: WAT082		<input type="checkbox"/> Oral Arguments Requested		
TYPE OF MOTION				
Motions Requiring Fee		Motions Not Requiring Fee		
<input type="checkbox"/> Default Judgment (\$50.00) Joinder in Other Party's Dispositive Motion <input type="checkbox"/> (i.e. Summary Judgment, Judgment on the Pleadings, or other Dispositive Motion not pursuant to Rule 12(b)) (\$50.00) <input type="checkbox"/> Judgment on the Pleadings (\$50.00) <input type="checkbox"/> Motion to Dismiss, or in the Alternative Summary Judgment (\$50.00) Renewed Dispositive Motion (Summary <input type="checkbox"/> Judgment, Judgment on the Pleadings, or other Dispositive Motion not pursuant to Rule 12(b)) (\$50.00) <input type="checkbox"/> Summary Judgment pursuant to Rule 56 (\$50.00) <input type="checkbox"/> Motion to Intervene (\$297.00) <input checked="" type="checkbox"/> Other pursuant to Rule _____ (\$50.00) *Motion fees are enumerated in §12-19-71(a). Fees pursuant to Local Act are not included. Please contact the Clerk of the Court regarding applicable local fees. <input type="checkbox"/> Local Court Costs \$ 0		<input type="checkbox"/> Add Party <input type="checkbox"/> Amend <input type="checkbox"/> Change of Venue/Transfer <input type="checkbox"/> Compel <input type="checkbox"/> Consolidation <input type="checkbox"/> Continue <input type="checkbox"/> Deposition <input type="checkbox"/> Designate a Mediator <input type="checkbox"/> Judgment as a Matter of Law (during Trial) <input type="checkbox"/> Disburse Funds <input type="checkbox"/> Extension of Time <input type="checkbox"/> In Limine <input type="checkbox"/> Joinder <input type="checkbox"/> More Definite Statement <input type="checkbox"/> Motion to Dismiss pursuant to Rule 12(b) <input type="checkbox"/> New Trial <input type="checkbox"/> Objection of Exemptions Claimed <input type="checkbox"/> Pendente Lite <input type="checkbox"/> Plaintiff's Motion to Dismiss <input type="checkbox"/> Preliminary Injunction <input type="checkbox"/> Protective Order <input type="checkbox"/> Quash <input type="checkbox"/> Release from Stay of Execution <input type="checkbox"/> Sanctions <input type="checkbox"/> Sever <input type="checkbox"/> Special Practice in Alabama <input type="checkbox"/> Stay <input type="checkbox"/> Strike <input type="checkbox"/> Supplement to Pending Motion <input type="checkbox"/> Vacate or Modify <input type="checkbox"/> Withdraw <input checked="" type="checkbox"/> Other <u>MOTION TO DISSOLVE TEMPORARY RESTRAINING ORDER</u> pursuant to Rule N/A (Subject to Filing Fee)		
Check here if you have filed or are filing contemporaneously with this motion an Affidavit of Substantial Hardship or if you are filing on behalf of an agency or department of the State, county, or municipal government. (Pursuant to §6-5-1 Code of Alabama (1975), governmental entities are exempt from prepayment of filing fees) <input type="checkbox"/>		Date: 3/29/2017 4:07:20 PM		Signature of Attorney or Party /s/ JORDAN DAVID WATSON

*This Cover Sheet must be completed and submitted to the Clerk of Court upon the filing of any motion. Each motion should contain a separate Cover Sheet.

**Motions titled 'Motion to Dismiss' that are not pursuant to Rule 12(b) and are in fact Motions for Summary Judgments are subject to filing fee.



IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON CONSTRUCTION
CO., INC., d/b/a JOHNSON
HEATING AND COOLING,

PLAINTIFF,

VS.

CLEARRESULT CONSULTING, INC.,
d/b/a CLEARRESULT,

DEFENDANT.

CIVIL ACTION NO.: CV 16-900248

MOTION TO DISSOLVE TEMPORARY RESTRAINING ORDER

COMES NOW the Defendant, CLEARResult Consulting, Inc. ("CLEARResult" or "Defendant"), and respectfully moves the Court to dissolve the Temporary Restraining Order ("TRO") based on the inaction of Plaintiff, and in support thereof, Defendant states as follows:

1. On December 6, 2016, Plaintiff filed a lawsuit seeking, among other things, a Temporary Restraining Order temporarily restraining Defendant from removing Plaintiff from the Quality Contractor Network. Based thereon, the Court issued a TRO and set a hearing on Plaintiff's Request for Preliminary Injunction for December 15, 2016.

2. Prior to the December 15, 2016, hearing, counsel for CLEARResult contacted counsel for the Plaintiff and provided information regarding the relationship between CLEARResult and the Tennessee Valley Authority ("TVA"). Specifically, counsel for CLEARResult explained that, setting aside the merits of the claim, it was impossible for CLEARResult to comply with the TRO, or any further relief sought by the Plaintiff.

3. As a result, on December 15, 2016, Plaintiff, with the consent of CLEARResult, filed a Motion to Continue ("Motion") so as to allow Plaintiff the opportunity to add additional necessary parties. Based on Plaintiff's Motion and Defendant's consent to the same, the Court issued an Order granting the continuance and extending the TRO pending further Order from the Court.

4. Defendant's consent to Plaintiff's Motion and extension of the TRO was based upon Plaintiff's representation that, given a reasonable amount of time, it would amend its pleading to add all necessary parties. Defendant voluntarily consented to the extension as a courtesy to Plaintiff's counsel, to prevent a waste of the Court's and parties' time, and based upon counsel's representation that Plaintiff would amend its pleading.

5. Defendant did not consent to the extension based on any belief as to the merits of Plaintiff's claims or the likelihood that Plaintiff would prevail on its claims. More than ninety days have passed since Plaintiff informed the Court that it would amend its pleading, and Plaintiff has not filed an amended pleading or sought leave of Court to join any new party.

Wherefore, based on the inaction of Plaintiff, Defendant withdraws its voluntary consent to the extension of the TRO and requests that the Court dissolve the TRO. A proposed dissolution order is attached hereto.

Respectfully submitted,

/s/Jordan D. Watson
Jordan D. Watson (WAT082)
Attorney for Defendant

OF COUNSEL:

CARR ALLISON
100 Vestavia Parkway
Birmingham, Alabama 35216
Telephone: (205) 822-2006
Facsimile: (205) 822-2057

CERTIFICATE OF SERVICE

I hereby certify that I have this date, March 29, 2017, electronically filed the foregoing with the Clerk of Court using the Alabama e-filing system which will send notification of such filing to all counsel of record:

John F. Porter, III, Esq.
The Porter Law Group, P.C.
124 East Laurel Street
Scottsboro, AL 35768

/s/Jordan D. Watson
OF COUNSEL



ELECTRONICALLY FILED
3/29/2017 4:10 PM
39-CV-2016-900248.00
CIRCUIT COURT OF
JACKSON COUNTY, ALABAMA
DONNA BARKSDALE, CLERK

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON
CONSTRUCTION CO. INC. D/B/A
JOHNSON

Plaintiff,

V.

CLEARRESULT CONSULTING, INC.
D/B/A CLEARRESULT

Defendant.

Case No.: CV-2016-900248.00

ORDER

Before the Court is a Motion to Dissolve Temporary Restraining Order ("Motion") filed by Defendant CLEAResult Consulting, Inc. For good cause shown, the Motion is GRANTED. It is hereby ORDERED AND ADJUDGED that the Temporary Restraining Order dated December 6, 2016, and extended by additional Order dated December 15, 2016, is hereby DISSOLVED.

DONE this[To be filled by the Judge].

/s/[To be filled by the Judge]

CIRCUIT JUDGE



AlaFile E-Notice

39-CV-2016-900248.00

Judge: JOHN H GRAHAM

To: JORDAN DAVID WATSON
jwatson@carrallison.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARESLT CONSUL
39-CV-2016-900248.00

The following matter was FILED on 3/29/2017 4:11:01 PM

D001 CLEARESLT CONSULTING, INC. D/B/A CLEARESLT
MOTION TO DISSOLVE TEMPORARY RESTRAINING ORDER
[Filer: WATSON JORDAN DAVID]

Notice Date: 3/29/2017 4:11:01 PM

DONNA BARKSDALE
CIRCUIT COURT CLERK
JACKSON COUNTY, ALABAMA
JACKSON CO COURTHOUSE, SUITE 307
102 EAST LAUREL STREET
SCOTTSBORO, AL, 35768

256-574-9320
Donna.Barksdale@alacourt.gov



AlaFile E-Notice

39-CV-2016-900248.00

Judge: JOHN H GRAHAM

To: PORTER JOHN FINLEY III
johnf@johnporterlaw.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARESLT CONSUL
39-CV-2016-900248.00

The following matter was FILED on 3/29/2017 4:11:01 PM

D001 CLEARESLT CONSULTING, INC. D/B/A CLEARESLT
MOTION TO DISSOLVE TEMPORARY RESTRAINING ORDER
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Notice Date: 3/29/2017 4:11:01 PM

DONNA BARKSDALE
CIRCUIT COURT CLERK
JACKSON COUNTY, ALABAMA
JACKSON CO COURTHOUSE, SUITE 307
102 EAST LAUREL STREET
SCOTTSBORO, AL, 35768

256-574-9320
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3/31/2017 2:10 PM

39-CV-2016-900248.00

CIRCUIT COURT OF

JACKSON COUNTY, ALABAMA

DONNA BARKSDALE, CLERK

STATE OF ALABAMA

Revised 3/5/08

Cas

Unified Judicial System

39-JACKSON

☐ District Court☒ Circuit Court

CV21

DAVID JOHNSON CONSTRUCTION CO. INC.
D/B/A JOHNSON V. CLEARRESULT CONSUL

CIVIL MOTION COVER SHEET

Name of Filing Party: C001 - DAVID JOHNSON CONSTRUCTION CO.
INC. D/B/A JOHNSON

Name, Address, and Telephone No. of Attorney or Party. If Not Represented.

JOHN FINLEY PORTER III
123 EAST LAUREL STREET
SCOTTSBORO, AL 35768

Attorney Bar No.: POR006

☐ Oral Arguments Requested

TYPE OF MOTION

Motions Requiring Fee

- ☐ Default Judgment (\$50.00)
Joinder in Other Party's Dispositive Motion
(i.e. Summary Judgment, Judgment on the Pleadings,
or other Dispositive Motion not pursuant to Rule 12(b))
(\$50.00)
- ☐ Judgment on the Pleadings (\$50.00)
- ☐ Motion to Dismiss, or in the Alternative
Summary Judgment (\$50.00)
- Renewed Dispositive Motion (Summary
Judgment, Judgment on the Pleadings, or other
Dispositive Motion not pursuant to Rule 12(b)) (\$50.00)
- ☐ Summary Judgment pursuant to Rule 56 (\$50.00)
- ☐ Motion to Intervene (\$297.00)
- ☒ Other
pursuant to Rule (\$50.00)

*Motion fees are enumerated in §12-19-71(a). Fees
pursuant to Local Act are not included. Please contact the
Clerk of the Court regarding applicable local fees.

☐ Local Court Costs \$ 0

Motions Not Requiring Fee

- ☐ Add Party
- ☐ Amend
- ☐ Change of Venue/Transfer
- ☐ Compel
- ☐ Consolidation
- ☐ Continue
- ☐ Deposition
- ☐ Designate a Mediator
- ☐ Judgment as a Matter of Law (during Trial)
- ☐ Disburse Funds
- ☐ Extension of Time
- ☐ In Limine
- ☐ Joinder
- ☐ More Definite Statement
- ☐ Motion to Dismiss pursuant to Rule 12(b)
- ☐ New Trial
- ☐ Objection of Exemptions Claimed
- ☐ Pendente Lite
- ☐ Plaintiff's Motion to Dismiss
- ☐ Preliminary Injunction
- ☐ Protective Order
- ☐ Quash
- ☐ Release from Stay of Execution
- ☐ Sanctions
- ☐ Sever
- ☐ Special Practice in Alabama
- ☐ Stay
- ☐ Strike
- ☐ Supplement to Pending Motion
- ☐ Vacate or Modify
- ☐ Withdraw
- ☒ Other MOTION TO SET FOR HEARING
pursuant to Rule Rule (Subject to Filing Fee)

Check here if you have filed or are filing contemporaneously
with this motion an Affidavit of Substantial Hardship or if you
are filing on behalf of an agency or department of the State,
county, or municipal government. (Pursuant to §6-5-1 Code
of Alabama (1975), governmental entities are exempt from
prepayment of filing fees) ☐

Date:
3/31/2017 2:08:26 PM

Signature of Attorney or Party
/s/ JOHN FINLEY PORTER III

*This Cover Sheet must be completed and submitted to the Clerk of Court upon the filing of any motion. Each motion should contain a separate Cover Sheet.
**Motions titled 'Motion to Dismiss' that are not pursuant to Rule 12(b) and are in fact Motions for Summary Judgments are subject to filing fee.



ELECTRONICALLY FILED
3/31/2017 2:10 PM
39-CV-2016-900248.00
CIRCUIT COURT OF
JACKSON COUNTY, ALABAMA
DONNA BARKSDALE, CLERK

David Johnson Construction Co. Inc.,	)	IN THE
d/b/a Johnson Heating and Cooling)	
	)	CIRCUIT COURT OF
PLAINTIFF)	
v.	)	JACKSON COUNTY,
)	
Clearesult Consulting Inc.,	)	ALABAMA
d/b/a. CLEAResult;)	
A, B & C, being those firms, persons or	)	CIVIL ACTION NO.: CV-2016-900248
entities directing or having control over)	
the Quality Contractor Network of the)	
Tennessee Valley Authority in Jackson)	
County, Alabama)	
)	
DEFENDANTS)	

MOTION TO SET FOR HEARING

NOW COMES the Plaintiff in this cause and moves this Court to set the Plaintiff's Application for Temporary Restraining Order and Preliminary Injunction, together with the Defendant's Motion to Dissolved the Temporary Restraining Order for evidentiary hearing.

/s/ John F. Porter, III
JOHN F. PORTER, III
ASB No. POR006
Attorney for Plaintiff

OF COUNSEL:

The Porter Law Group, PC
123 East Laurel Street
Scottsboro, Alabama 35768
Telephone: (256) 574-5156
Facsimile: (256) 574-6552

CERTIFICATE OF SERVICE

I do hereby certify that a copy of the foregoing has been served upon the following party by depositing a copy of the same in the appropriate Courthouse Receptacle; in the U.S. Mail, postage prepaid and properly addressed; or via Electronic Mail; or if the party being served is a registered participant of the AlaFile System, service has been made by "Notice of Electronic Filing" on this 31st day of March, 2017:

Jordan D. Watson
100 Vestavia Parkway
Birmingham, AL 35216

Via Alafile Systems



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39-CV-2016-900248.00
CIRCUIT COURT OF
JACKSON COUNTY, ALABAMA
DONNA BARKSDALE, CLERK

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON
CONSTRUCTION CO. INC. D/B/A)
JOHNSON)
Plaintiff,)
)
V.)
)
CLEARRESULT CONSULTING, INC.)
D/B/A CLEARRESULT)
Defendant.)

Case No.: CV-2016-900248.00

ORDER

Upon motion of the Plaintiff, it is hereby Ordered that the Plaintiff's Application for Temporary Restraining Order and Preliminary Injunction and Defendant's Motion to Dissolved the Temporary Restraining Order be set for evidentiary hearing before this Court on the ____ day of _____, 2017, at _____ o'clock ____m.

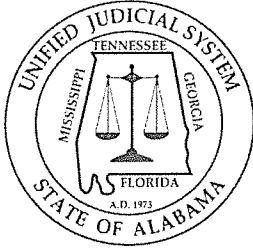
The Clerk is directed to have a copy of this Order served upon the parties in this cause.

DONE and ORDERED this ____ day of _____, 2017.

DONE this[To be filled by the Judge].

/s/[To be filled by the Judge]

CIRCUIT JUDGE



AlaFile E-Notice

39-CV-2016-900248.00

Judge: JOHN H GRAHAM

To: JOHN FINLEY PORTER III
johnf@johnporterlaw.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARESLT CONSUL
39-CV-2016-900248.00

The following matter was FILED on 3/31/2017 2:10:26 PM

C001 DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON
MOTION TO SET FOR HEARING
[Filer: PORTER JOHN FINLEY III]

Notice Date: 3/31/2017 2:10:26 PM

DONNA BARKSDALE
CIRCUIT COURT CLERK
JACKSON COUNTY, ALABAMA
JACKSON CO COURTHOUSE, SUITE 307
102 EAST LAUREL STREET
SCOTTSBORO, AL, 35768

256-574-9320
Donna.Barksdale@alacourt.gov



AlaFile E-Notice

39-CV-2016-900248.00

Judge: JOHN H GRAHAM

To: WATSON JORDAN DAVID
jwatson@carrallison.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARRESULT CONSUL
39-CV-2016-900248.00

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DONNA BARKSDALE
CIRCUIT COURT CLERK
JACKSON COUNTY, ALABAMA
JACKSON CO COURTHOUSE, SUITE 307
102 EAST LAUREL STREET
SCOTTSBORO, AL, 35768

256-574-9320
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3/31/2017 3:20 PM
39-CV-2016-900248.00
CIRCUIT COURT OF
JACKSON COUNTY, ALABAMA
DONNA BARKSDALE, CLERK

David Johnson Construction Co. Inc.,	)	IN THE
d/b/a Johnson Heating and Cooling)	
	)	CIRCUIT COURT OF
PLAINTIFF)	
v.	)	JACKSON COUNTY,
)	
Clearesult Consulting Inc.,	)	ALABAMA
d/b/a. CLEAResult;)	
A, B & C, being those firms, persons or	)	CIVIL ACTION NO.: CV-2016-900248
entities directing or having control over)	
the Quality Contractor Network of the)	
Tennessee Valley Authority in Jackson)	
County, Alabama)	
)	
DEFENDANTS)	

NOTICE TO THE CLERK OF THE COURT

Take notice that the undersigned has, this date, served on counsel for all parties the following:

(X) Notice of Intent to Serve Subpoena to North Alabama Electric Cooperative and Energy Solutions.

This the 31st day of March, 2017.

/s/ John F. Porter, III
JOHN F. PORTER, III
ASB No. POR006
Attorney for Plaintiff

OF COUNSEL:

The Porter Law Group, PC
123 East Laurel Street
Scottsboro, Alabama 35768
Telephone: (256) 574-5156
Facsimile: (256) 574-6552
Facsimile: (256) 574-6552

CERTIFICATE OF SERVICE

I do hereby certify that a copy of the foregoing has been served upon the following party by depositing a copy of the same in the appropriate Courthouse Receptacle; in the U.S. Mail, postage prepaid and properly addressed; or via Electronic Mail; or if the party being served is a registered participant of the AlaFile System, service has been made by "Notice of Electronic Filing" on this 31st day of March, 2017:

Jordan D. Watson
100 Vestavia Parkway
Birmingham, AL 35216

Via Alafile Systems



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3/31/2017 3:20 PM
39-CV-2016-900248.00
CIRCUIT COURT OF
JACKSON COUNTY, ALABAMA
DONNA BARKSDALE, CLERK

David Johnson Construction Co. Inc.,	)	IN THE
d/b/a Johnson Heating and Cooling)	
	)	CIRCUIT COURT OF
PLAINTIFF)	
v.	)	JACKSON COUNTY,
)	
Clearex Consulting Inc.,	)	ALABAMA
d/b/a. CLEAResult;)	
A, B & C, being those firms, persons or	)	CIVIL ACTION NO.: CV-2016-900248
entities directing or having control over)	
the Quality Contractor Network of the)	
Tennessee Valley Authority in Jackson)	
County, Alabama)	
)	
DEFENDANTS)	

NOTICE OF INTENT TO SERVE NON-PARTY SUBPOENA

PLEASE TAKE NOTICE that upon the expiration of fifteen (15) days from the date of service of this notice, the Plaintiff herein will apply to the Clerk of this Court for the issuance of the attached subpoena directed to **North Alabama Electric Cooperative**, who is not a party to this action and whose address is 41103 US-72, Stevenson, Alabama 35772, to produce **all documents of every kind and nature whatsoever regarding the participation of Johnson Heating and Cooling and any complaints regarding Johnson Heating and Cooling involving or related to the participation of Johnson Heating and Cooling in the eScore Energyright Solutions program for the past 60 months, to include but not being limited to all correspondence, emails, text, notes, letters, formal complaints and any other documentation of every kind and nature.**

/s/ John F. Porter, III
JOHN F. PORTER, III
ASB No. POR006
Attorney for Plaintiff

OF COUNSEL:

The Porter Law Group, PC
123 East Laurel Street
Scottsboro, Alabama 35768
Telephone: (256) 574-5156
Facsimile: (256) 574-6552
Facsimile: (256) 574-6552

CERTIFICATE OF SERVICE

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Jordan D. Watson
100 Vestavia Parkway
Birmingham, AL 35216

Via Alafile Systems

David Johnson Construction Co. Inc.,	)	IN THE
d/b/a Johnson Heating and Cooling)	
	)	CIRCUIT COURT OF
PLAINTIFF)	
v.	)	JACKSON COUNTY,
)	
Cleareresult Consulting Inc.,	)	ALABAMA
d/b/a. CLEAResult;)	
A, B & C, being those firms, persons or	)	CIVIL ACTION NO.: CV-2016-900248
entities directing or having control over)	
the Quality Contractor Network of the)	
Tennessee Valley Authority in Jackson)	
County, Alabama)	
)	
DEFENDANTS)	

CIVIL SUBPOENA FOR PRODUCTION OF DOCUMENTS, ETC.

UNDER RULE 45(a)(3)(c), ALABAMA CIVIL RULES OF PROCEDURE

TO: North Alabama Electric Cooperative
41103 US-72
Stevenson, Alabama 35772

You are hereby notified to comply within fifteen (15) days after service of this subpoena with the following request by the Plaintiff herein.

That you produce and permit the Plaintiff or his attorney to inspect and copy the following documents:

All documents of every kind and nature whatsoever regarding the participation of Johnson Heating and Cooling and any complaints regarding Johnson Heating and Cooling involving or related to the participation of Johnson Heating and Cooling in the eScore Energyright Solutions program for the past 60 months, to include but not being limited to all correspondence, emails, text, notes, letters, formal complaints and any other documentation of every kind and nature.

Said inspection and copying shall be conducted in your office within said fifteen (15) days, or at such other time or place as may be mutually agreed upon between you and Plaintiff's attorney named below. Alternatively, you may copy the records in question and mail them directly to John F. Porter, III, the attorney for Plaintiff, at his address which is 123 East Laurel Street, Scottsboro, Alabama 35768. Plaintiff's attorney agrees to pay all reasonable expenses incurred by you in connection with production of such documents at said time and place.

DATED this the ____ day of _____, 2017.

CLERK

DATE



ELECTRONICALLY FILED
3/31/2017 3:20 PM
39-CV-2016-900248.00
CIRCUIT COURT OF
JACKSON COUNTY, ALABAMA
DONNA BARKSDALE, CLERK

David Johnson Construction Co. Inc.,)	IN THE
d/b/a Johnson Heating and Cooling)	
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PLAINTIFF)	
v.)	JACKSON COUNTY,
)	
Clearesult Consulting Inc.,)	ALABAMA
d/b/a. CLEAResult;)	
A, B & C, being those firms, persons or	)	CIVIL ACTION NO.: CV-2016-900248
entities directing or having control over)	
the Quality Contractor Network of the)	
Tennessee Valley Authority in Jackson)	
County, Alabama)	
)	
DEFENDANTS)	

NOTICE OF INTENT TO SERVE NON-PARTY SUBPOENA

PLEASE TAKE NOTICE that upon the expiration of fifteen (15) days from the date of service of this notice, the Plaintiff herein will apply to the Clerk of this Court for the issuance of the attached subpoena directed to **Energy Solutions**, who is not a party to this action and whose address is 6249 Sorter Road, Guntersville, Alabama 35976, to produce **all documents of every kind and nature whatsoever regarding the participation of Johnson Heating and Cooling and any complaints regarding Johnson Heating and Cooling involving or related to the participation of Johnson Heating and Cooling in the eScore Energyright Solutions program for the past 60 months, to include but not being limited to all correspondence, emails, text, notes, letters, formal complaints and any other documentation of every kind and nature.**

/s/ John F. Porter, III
JOHN F. PORTER, III
ASB No. POR006
Attorney for Plaintiff

OF COUNSEL:

The Porter Law Group, PC
123 East Laurel Street
Scottsboro, Alabama 35768
Telephone: (256) 574-5156
Facsimile: (256) 574-6552
Facsimile: (256) 574-6552

CERTIFICATE OF SERVICE

I do hereby certify that a copy of the foregoing has been served upon the following party by depositing a copy of the same in the appropriate Courthouse Receptacle; in the U.S. Mail, postage prepaid and properly addressed; or via Electronic Mail; or if the party being served is a registered participant of the AlaFile System, service has been made by "Notice of Electronic Filing" on this 31st day of March, 2017:

Jordan D. Watson
100 Vestavia Parkway
Birmingham, AL 35216

Via Alafile Systems

David Johnson Construction Co. Inc.,	)	IN THE
d/b/a Johnson Heating and Cooling)	
	)	CIRCUIT COURT OF
PLAINTIFF)	
v.	)	JACKSON COUNTY,
)	
Clearesult Consulting Inc.,	)	ALABAMA
d/b/a. CLEAResult;)	
A, B & C, being those firms, persons or	)	CIVIL ACTION NO.: CV-2016-900248
entities directing or having control over)	
the Quality Contractor Network of the)	
Tennessee Valley Authority in Jackson)	
County, Alabama)	
)	
DEFENDANTS)	

CIVIL SUBPOENA FOR PRODUCTION OF DOCUMENTS, ETC.

UNDER RULE 45(a)(3)(c), ALABAMA CIVIL RULES OF PROCEDURE

TO: **Energy Solutions**
6249 Sorter Road,
Guntersville, Alabama 35976

You are hereby notified to comply within fifteen (15) days after service of this subpoena with the following request by the Plaintiff herein.

That you produce and permit the Plaintiff or his attorney to inspect and copy the following documents:

All documents of every kind and nature whatsoever regarding the participation of Johnson Heating and Cooling and any complaints regarding Johnson Heating and Cooling involving or related to the participation of Johnson Heating and Cooling in the eScore Energyright Solutions program for the past 60 months, to include but not being limited to all correspondence, emails, text, notes, letters, formal complaints and any other documentation of every kind and nature.

Said inspection and copying shall be conducted in your office within said fifteen (15) days, or at such other time or place as may be mutually agreed upon between you and Plaintiff's attorney named

below. Alternatively, you may copy the records in question and mail them directly to John F. Porter, III, the attorney for Plaintiff, at his address which is 123 East Laurel Street, Scottsboro, Alabama 35768. Plaintiff's attorney agrees to pay all reasonable expenses incurred by you in connection with production of such documents at said time and place.

DATED this the ____ day of _____, 2017.

CLERK

DATE



AlaFile E-Notice

39-CV-2016-900248.00

To: JOHN FINLEY PORTER III
johnf@johnporterlaw.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARRESULT CONSUL
39-CV-2016-900248.00

The following discovery was FILED on 3/31/2017 3:21:07 PM

Notice Date: 3/31/2017 3:21:07 PM

DONNA BARKSDALE
CIRCUIT COURT CLERK
JACKSON COUNTY, ALABAMA
JACKSON CO COURTHOUSE, SUITE 307
102 EAST LAUREL STREET
SCOTTSBORO, AL, 35768

256-574-9320
Donna.Barksdale@alacourt.gov



AlaFile E-Notice

39-CV-2016-900248.00

To: WATSON JORDAN DAVID
jwatson@carrallison.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARERESULT CONSUL
39-CV-2016-900248.00

The following discovery was FILED on 3/31/2017 3:21:07 PM

Notice Date: 3/31/2017 3:21:07 PM

DONNA BARKSDALE
CIRCUIT COURT CLERK
JACKSON COUNTY, ALABAMA
JACKSON CO COURTHOUSE, SUITE 307
102 EAST LAUREL STREET
SCOTTSBORO, AL, 35768

256-574-9320
Donna.Barksdale@alacourt.gov



ELECTRONICALLY FILED
4/3/2017 1:19 PM
39-CV-2016-900248.00
CIRCUIT COURT OF
JACKSON COUNTY, ALABAMA
DONNA BARKSDALE, CLERK

David Johnson Construction Co. Inc.,	)	IN THE
d/b/a Johnson Heating and Cooling)	
	)	CIRCUIT COURT OF
PLAINTIFF)	
v.	)	JACKSON COUNTY,
)	
Clearesult Consulting Inc.,	)	ALABAMA
d/b/a. CLEAResult;)	
A, B & C, being those firms, persons or	)	CIVIL ACTION NO.: CV-2016-900248
entities directing or having control over)	
the Quality Contractor Network of the)	
Tennessee Valley Authority in Jackson)	
County, Alabama)	
)	
DEFENDANTS)	

ORDER

Upon motion of the Plaintiff, it is hereby Ordered that the Plaintiff's Application for Temporary Restraining Order and Preliminary Injunction and Defendant's Motion to Dissolve the Temporary Restraining Order be set for evidentiary hearing before this Court on the 8th day of May, 2017, at 9:00 o'clock a.m., Courtroom Number Two, Second Floor, Jackson County Courthouse, Scottsboro, Alabama. Parties and counsel are ordered to be present.

The Clerk is directed to have a copy of this Order served upon the parties in this cause.

DONE and ORDERED this 3rd day of April, 2017.

JOHN H. GRAHAM
CIRCUIT JUDGE



AlaFile E-Notice

39-CV-2016-900248.00

Judge: JOHN H GRAHAM

To: PORTER JOHN FINLEY III
johnf@johnporterlaw.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARRESULT CONSUL
39-CV-2016-900248.00

The following matter was FILED on 4/3/2017 1:19:27 PM

Notice Date: 4/3/2017 1:19:27 PM

DONNA BARKSDALE
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JACKSON COUNTY, ALABAMA
JACKSON CO COURTHOUSE, SUITE 307
102 EAST LAUREL STREET
SCOTTSBORO, AL, 35768

256-574-9320
Donna.Barksdale@alacourt.gov



AlaFile E-Notice

39-CV-2016-900248.00

Judge: JOHN H GRAHAM

To: WATSON JORDAN DAVID
jwatson@carrallison.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARESLT CONSUL
39-CV-2016-900248.00

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CIRCUIT COURT OF
JACKSON COUNTY, ALABAMA
DONNA BARKSDALE, CLERK

David Johnson Construction Co. Inc.,)	IN THE
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PLAINTIFF)	
v.)	JACKSON COUNTY,
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d/b/a. CLEAResult;)	
A, B & C, being those firms, persons or)	CIVIL ACTION NO.: CV-2016-900248
entities directing or having control over)	
the Quality Contractor Network of the)	
Tennessee Valley Authority in Jackson)	
County, Alabama)	
)	
DEFENDANTS)	

NOTICE TO THE CLERK OF THE COURT

Take notice that the undersigned has, this date, served on counsel for all parties the following:

- (X) Request for Production of Documents to Clearesult Consulting, Inc.
- (X) Notice to Depose Clearesult Consulting, Inc.
- (X) Notice to Depose Aaron Catron, Contractor Network Manager of Clearesult Consulting, Inc.
- (X) Notice to Depose Energy Solutions.

This the 3rd day of April, 2017.

/s/ John F. Porter, III
JOHN F. PORTER, III
ASB No. POR006
Attorney for Plaintiff

OF COUNSEL:

The Porter Law Group, PC
123 East Laurel Street
Scottsboro, Alabama 35768
Telephone: (256) 574-5156
Facsimile: (256) 574-6552

CERTIFICATE OF SERVICE

I do hereby certify that a copy of the foregoing has been served upon the following party by depositing a copy of the same in the appropriate Courthouse Receptacle; in the U.S. Mail, postage prepaid and properly addressed; or via Electronic Mail; or if the party being served is a registered participant of the AlaFile System, service has been made by "Notice of Electronic Filing" on this 3rd day of April, 2017:

Jordan D. Watson, Esq.
CARR ALLISON
100 Vestavia Parkway
Birmingham, AL 35216

Via Alafile Systems



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Clearesult Consulting Inc.,)	ALABAMA
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entities directing or having control over)	
the Quality Contractor Network of the)	
Tennessee Valley Authority in Jackson)	
County, Alabama)	
)	
DEFENDANTS)	

PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS
TO DEFENDANT CLEAResult CONSULTING INC.

You are requested to produce for inspection and copying pursuant to Rule 34 of the Alabama Rules of Civil Procedure within **thirty (30) days** at 123 East Laurel Street, Scottsboro, Alabama 35768, the following documents in your possession, custody or control.

Definitions

As used herein the term "document" means without limitation the following items whether printed, recorded or reproduced by any other mechanical means or process or written or produced by hand: agreements; contracts; orders; purchase orders; communications; correspondence; letters; telegrams; tape recordings; memoranda; summaries, notes or other recordings of telephone conversations, personal conversations or meetings; corporate charters, by-laws, minutes or other documents of any description evidencing action taken by a corporate entity; deeds, leases, mortgages, security agreements or legal documents of any kind and description; agenda of meetings; notices, records and interoffice memoranda; personal memoranda; photographs; photographic slides; motion pictures; films; charts; graphs; diagrams; drawings; bookkeeping entries; bills; invoices; orders; receipts; canceled checks; vouchers; ledger sheets; computer print-outs; reports; statements of witnesses; findings of investigation; files; records of negotiation; reports of experts; reports of consultants; papers; books; records; objects; summaries; videotapes; maps; posters; pamphlets; fliers; and any and every other written, graphic, mechanical or tangible means by which human intelligence is in any way transmitted, reported, recorded or preserved, including but not being limited to any information

contained in any computer although not yet printed out on the memory units containing such data from which information can be obtained or translated into reasonably usable form.

The term "person" means any person, firm, corporation, partnership, joint venture, governmental unit or agency thereof, or any judicial person or any other legal entity.

The word "communication" means any written or oral contact or communication or document relating thereto between two or more persons or companies and shall include without limitations written contact by such means as letters, memoranda, telegrams, telex or by any document and oral contact by such means as face-to-face meetings and telephone conversations.

Unless otherwise specified, as used herein, the words "meeting" and "meetings" mean any coincidence of presence of two or more persons between or among whom some communication occurs whether or not such coincidence of presence was by chance or pre-arranged, formal or informal or in connection with some other activity.

Instructions

IF YOU OBJECT to furnishing any document on the basis of attorney-client privilege or any other basis, please identify the document by the date it bears, or if none, under the date it was written; by the name and address on it; by the name and address of each person to whom it was addressed and each person to whom a copy was identified as being directed; by the name and address of each person who received a copy of the document; by description of the document, as for instance, a letter memorandum; by its present location or custodian; or if unknown, its last known location or custodian; and by the present location and custodian of each copy; or if unknown, its last known location or custodian.

IF ANY REQUESTED DOCUMENTS OR THINGS CANNOT BE PRODUCED IN FULL, produce to the extent possible, specifying each reason for your inability to produce the remainder and stating whatever information, knowledge or belief you do have concerning the produced portion.

IF ANY DOCUMENT requested was in the Defendant's possession or control, but IS NO LONGER IN THE DEFENDANT'S POSSESSION or subject to Defendant's control, state what disposition was made of it, the reason for such disposition and the date thereof.

IN PRODUCING DOCUMENTS and things pursuant to this request, furnish all documents or things known or available to you regardless of whether such documents or things are possessed directly by you or your agents, employees, representatives or investigators or by your attorneys, their agents, employees, representatives or investigators.

IF ANY DOCUMENTS or things requested were at one time in existence but are no longer in existence, then so state, specifying for each document or thing:

- (a) The type of document or thing;
- (b) The types of information contained thereon;
- (c) The date upon which it ceased to exist;
- (d) The circumstances under which it ceased to exist;
- (e) The identity of all persons having knowledge of the circumstances under which it ceased to exist; and
- (f) The identity of all persons having knowledge or who had knowledge of the contents thereof.

You are requested to PRODUCE ALL ORIGINAL DOCUMENTS; and all other copies not absolutely identical to the originals. In addition you are requested to produce all drafts and notes (whether typed, handwritten or otherwise) made or prepared in connection with such documents, whether used or not.

THIS REQUEST FOR PRODUCTION IS DEEMED TO BE CONTINUING. If, after producing documents and things, you obtain or become aware of any further documents, things or information responsive to this request for production of documents, you are required to produce to Plaintiff such additional documents and things and/or provide Plaintiff with such additional information.

REQUEST FOR PRODUCTION:

The Defendant Clearesult Consult Inc. is requested to produce:

- 1) The Contract between TVA and Clearesult and all renewals or revisions thereof regarding or related to the administration of the eScore Energyright Solutions Program.
- 2) All guidelines, handbook, references or other documentation directing the actions of Clearesult as the administrator of the eScore Energyright Solutions Program.
- 3) All guidelines, handbook, references or other documentation directing the actions of Clearesult as the administrator of the e-Score Quality Contractor Network.
- 4) All documents of every kind and nature whatsoever granting or related to the authority or responsibilities of Clearesult as administrator or manager of the eScore Energyright Solutions Program and the e-Score Quality Contractor Network.

5) All documents of every kind and nature whatsoever establishing or determining the pay rate or compensation of Clearesult as administrator of the eScore Energyright Solutions Program and the e-Score Quality Contractor Network.

7) All documents of every kind and nature whatsoever reflecting the requirements, certification or qualifications of Clearesult to be appointed as the administrator or manager of the Energy Right Program and Quality Contractor Network.

8) All documents of every kind and nature whatsoever regarding any complaints received from any source either made to Clearesult, Tennessee Valley Authority, Energy Solutions or any other entity regarding Johnson Heating and Cooling for the past 60 months.

9) All memorandums, emails, text messages, letters, notes, audio files or any other documents between any agent or employee of Clearesult and TVA, Energy Solutions, North Alabama Electric Coop, Johnson Heating and Cooling or any other person or entity regarding or related to any complaints about Johnson Heating and Cooling for the past 60 months.

10) All documents of every kind and nature whatsoever regarding or related to the factual basis of the letter from Clearesult to Johnson Heating and Cooling dated November 21, 2016 removing Johnson Heating and Cooling from the e-Score Quality Contractor Network.

11) All documents of every kind and nature whatsoever regarding or related to the allegation that Johnson Heating and Cooling or any of its agents or employees had engaged in unacceptable behavior, including but not limited to intimidation, harassment, retaliation, bribery or attempted bribery.

12) All documents of every kind and nature whatsoever regarding or related to the allegation that Johnson Heating and Cooling or any of its agents or employees had engaged in unacceptable behavior, causing or allowing misrepresentation, including but not limited to providing materially false information to TVA, TVA's Residential Program Administrator and a participant.

13) All documents of every kind and nature whatsoever regarding or related to the allegation that Johnson Heating and Cooling or any of its agents or employees had engaged in unacceptable behavior, including but not limited to action negatively impacting the program and that results in a negative perception of the program.

/s/ John F. Porter, III
JOHN F. PORTER, III
ASB No. POR006
Attorney for Plaintiff

OF COUNSEL:

The Porter Law Group, PC
123 East Laurel Street
Scottsboro, Alabama 35768
Telephone: (256) 574-5156
Facsimile: (256) 574-6552
Facsimile: (256) 574-6552

CERTIFICATE OF SERVICE

I do hereby certify that a copy of the foregoing has been served upon the following party by depositing a copy of the same in the appropriate Courthouse Receptacle; in the U.S. Mail, postage prepaid and properly addressed; or via Electronic Mail; or if the party being served is a registered participant of the AlaFile System, service has been made by "Notice of Electronic Filing" on this 3rd day of April, 2017:

Jordan D. Watson, Esq.
CARR ALLISON
100 Vestavia Parkway
Birmingham, AL 35216

Via Alafile Systems



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39-CV-2016-900248.00
CIRCUIT COURT OF
JACKSON COUNTY, ALABAMA
DONNA BARKSDALE, CLERK

David Johnson Construction Co. Inc.,	)	IN THE
d/b/a Johnson Heating and Cooling)	
	)	CIRCUIT COURT OF
PLAINTIFF)	
v.	)	JACKSON COUNTY,
)	
Clearesult Consulting Inc.,	)	ALABAMA
d/b/a. CLEAResult;)	
A, B & C, being those firms, persons or	)	CIVIL ACTION NO.: CV-2016-900248
entities directing or having control over)	
the Quality Contractor Network of the)	
Tennessee Valley Authority in Jackson)	
County, Alabama)	
)	
DEFENDANTS)	

NOTICE OF TAKING DEPOSITION UNDER RULE 30(B)(6)

To: **Clearesult Consulting, Inc.**
828 Royal Parkway, Suite 100
Nashville, Tennessee 37214-3755

Please take notice that the Plaintiff will take the deposition of **Clearesult Consulting, Inc.**, pursuant to Rule 30(b)(6) of the Alabama Rules of Civil Procedure at the time and place designated below, before a court reporter or some other person authorized by law to take depositions, through one or more officers, directors, or managing agents, or other persons who consent to testify on behalf of **Clearesult Consulting, Inc.** to all matters of every kind and nature whatsoever regarding or related to the claims set out in the plaintiff's Complaint, the responsive pleadings filed by the Defendants.

DEPOSITION OF:	Clearesult Consulting, Inc.
PLACE:	The Porter Law Group, PC 123 East Laurel Street Scottsboro, Alabama 35768
DATE:	To be Determined by Agreement of Counsels
TIME:	To be Determined by Agreement of Counsels
COURT REPORTER:	To be determined

This oral examination will continue from day to day until completed. You are invited to attend and cross-examine. **At the time of the taking of the Deposition, Clearesult Consulting, Inc. is requested to produce the following documents:**

- 1) The Contract between TVA and Clearesult and all renewals or revisions thereof regarding or related to the administration of the eScore Energyright Solutions Program.
- 2) All guidelines, handbook, references or other documentation directing the actions of Clearesult as the administrator of the eScore Energyright Solutions Program.
- 3) All guidelines, handbook, references or other documentation directing the actions of Clearesult as the administrator of the e-Score Quality Contractor Network.
- 4) All documents of every kind and nature whatsoever granting or related to the authority or responsibilities of Clearesult as administrator or manager of the eScore Energyright Solutions Program and the e-Score Quality Contractor Network.
- 5) All documents of every kind and nature whatsoever establishing or determining the pay rate or compensation of Clearesult as administrator of the eScore Energyright Solutions Program and the e-Score Quality Contractor Network.
- 7) All documents of every kind and nature whatsoever reflecting the requirements, certification or qualifications of Clearesult to be appointed as the administrator or manager of the Energy Right Program and Quality Contractor Network.
- 8) All documents of every kind and nature whatsoever regarding any complaints received from any source either made to Clearesult, Tennessee Valley Authority, Energy Solutions or any other entity regarding Johnson Heating and Cooling for the past 60 months.
- 9) All memorandums, emails, text messages, letters, notes, audio files or any other documents between any agent or employee of Clearesult and TVA, Energy Solutions, North Alabama Electric Coop, Johnson Heating and Cooling or any other person or entity regarding or related to any complaints about Johnson Heating and Cooling for the past 60 months.
- 10) All documents of every kind and nature whatsoever regarding or related to the factual basis of the letter from Clearesult to Johnson Heating and Cooling dated November 21, 2016 removing Johnson Heating and Cooling from the e-Score Quality Contractor Network.
- 11) All documents of every kind and nature whatsoever regarding or related to the allegation that Johnson Heating and Cooling or any of its agents or employees had engaged in unacceptable behavior, including but not limited to intimidation, harassment, retaliation, bribery or attempted bribery.
- 12) All documents of every kind and nature whatsoever regarding or related to the allegation that Johnson Heating and Cooling or any of its agents or employees had engaged in

unacceptable behavior, causing or allowing misrepresentation, including but not limited to providing materially false information to TVA, TVA's Residential Program Administrator and a participant.

13) All documents of every kind and nature whatsoever regarding or related to the allegation that Johnson Heating and Cooling or any of its agents or employees had engaged in unacceptable behavior, including but not limited to action negatively impacting the program and that results in a negative perception of the program.

/s/ John F. Porter, III
JOHN F. PORTER, III
ASB No. POR006
Attorney for Plaintiff

OF COUNSEL:

The Porter Law Group, PC
123 East Laurel Street
Scottsboro, Alabama 35768
Telephone: (256) 574-5156
Facsimile: (256) 574-6552

CERTIFICATE OF SERVICE

I do hereby certify that a copy of the foregoing has been served upon the following party by depositing a copy of the same in the appropriate Courthouse Receptacle; in the U.S. Mail, postage prepaid and properly addressed; or via Electronic Mail; or if the party being served is a registered participant of the AlaFile System, service has been made by "Notice of Electronic Filing" on this 3rd day of April, 2017:

Jordan D. Watson, Esq.
CARR ALLISON
100 Vestavia Parkway
Birmingham, AL 35216

Via Alafile Systems



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entities directing or having control over)	
the Quality Contractor Network of the)	
Tennessee Valley Authority in Jackson)	
County, Alabama)	
)	
DEFENDANTS)	

NOTICE OF TAKING DEPOSITION

To: **Aaron Catron, Contractor Network Manager**
Clearesult Consulting, Inc.
828 Royal Parkway, Suite 100
Nashville TN 37214-3755

Please take notice that the Plaintiff will take the deposition of the person named below, pursuant to the rules of discovery and the taking of depositions as provided in Rule 30 of the Alabama Rules of Civil Procedure at the time and place designated below, before a court reporter or some other person authorized by law to take depositions.

DEPOSITION OF:	Aaron Catron, Contractor Network Manager.
PLACE:	The Porter Law Group, PC
	123 East Laurel Street
	Scottsboro, Alabama 35768
DATE:	To be Determined by Agreement of Counsels
TIME:	To be Determined by Agreement of Counsels
COURT REPORTER:	To be determined

This oral examination will continue from day to day until completed. You are invited to attend and cross-examine. At the time of the taking of the Deposition, Aaron Catron is requested to produce the following documents:

- 1) The Contract between TVA and Clearesult and all renewals or revisions thereof regarding or related to the administration of the eScore Energyright Solutions Program.
- 2) All guidelines, handbook, references or other documentation directing the actions of Clearesult as the administrator of the eScore Energyright Solutions Program.
- 3) All guidelines, handbook, references or other documentation directing the actions of Clearesult as the administrator of the e-Score Quality Contractor Network.
- 4) All documents of every kind and nature whatsoever granting or related to the authority or responsibilities of Clearesult as administrator or manager of the eScore Energyright Solutions Program and the e-Score Quality Contractor Network.
- 5) All documents of every kind and nature whatsoever establishing or determining the pay rate or compensation of Clearesult as administrator of the eScore Energyright Solutions Program and the e-Score Quality Contractor Network.
- 7) All documents of every kind and nature whatsoever reflecting the requirements, certification or qualifications of Clearesult to be appointed as the administrator or manager of the Energy Right Program and Quality Contractor Network.
- 8) All documents of every kind and nature whatsoever regarding any complaints received from any source either made to Clearesult, Tennessee Valley Authority, Energy Solutions or any other entity regarding Johnson Heating and Cooling for the past 60 months.
- 9) All memorandums, emails, text messages, letters, notes, audio files or any other documents between any agent or employee of Clearesult and TVA, Energy Solutions, North Alabama Electric Coop, Johnson Heating and Cooling or any other person or entity regarding or related to any complaints about Johnson Heating and Cooling for the past 60 months.
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- 12) All documents of every kind and nature whatsoever regarding or related to the allegation that Johnson Heating and Cooling or any of its agents or employees had engaged in unacceptable behavior, causing or allowing misrepresentation, including but not limited to providing materially false information to TVA, TVA's Residential Program Administrator and a participant.

13) All documents of every kind and nature whatsoever regarding or related to the allegation that Johnson Heating and Cooling or any of its agents or employees had engaged in unacceptable behavior, including but not limited to action negatively impacting the program and that results in a negative perception of the program.

/s/ John F. Porter, III
JOHN F. PORTER, III
ASB No. POR006
Attorney for Plaintiff

OF COUNSEL:

The Porter Law Group, PC
123 East Laurel Street
Scottsboro, Alabama 35768
Telephone: (256) 574-5156
Facsimile: (256) 574-6552

CERTIFICATE OF SERVICE

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Jordan D. Watson, Esq.
CARR ALLISON
100 Vestavia Parkway
Birmingham, AL 35216

Via Alafile Systems



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the Quality Contractor Network of the)	
Tennessee Valley Authority in Jackson)	
County, Alabama)	
)	
DEFENDANTS)	

NOTICE OF TAKING DEPOSITION UNDER RULE 30(B)(6)

To: **Energy Solutions**
6249 Sorter Road
Guntersville, Alabama 35976-2931

Please take notice that the Plaintiff will take the deposition of **Energy Solutions**, pursuant to Rule 30(b)(6) of the Alabama Rules of Civil Procedure at the time and place designated below, before a court reporter or some other person authorized by law to take depositions, through one or more officers, directors, or managing agents, or other persons who consent to testify on behalf of **Energy Solutions** to all matters of every kind and nature whatsoever regarding or related to the claims set out in the plaintiff's Complaint, the responsive pleadings filed by the Defendants.

DEPOSITION OF:	Energy Solutions
PLACE:	The Porter Law Group, PC 123 East Laurel Street Scottsboro, Alabama 35768
DATE:	To be Determined by Agreement of Counsels
TIME:	To be Determined by Agreement of Counsels
COURT REPORTER:	To be determined

This oral examination will continue from day to day until completed. You are invited to attend and cross-examine. **At the time of the taking of the Deposition, Energy Solutions is requested to produce the following documents:**

1) All documents of every kind and nature whatsoever regarding the participation of Johnson Heating and Cooling and any complaints regarding Johnson Heating and Cooling involving or related to the participation of Johnson Heating and Cooling in the eScore Energyright Solutions Program for the past 60 months, to include but not being limited to all correspondence, emails, text, notes, letters, formal complaints and any other documentation of every kind and nature.

/s/ John F. Porter, III
JOHN F. PORTER, III
ASB No. POR006
Attorney for Plaintiff

OF COUNSEL:

The Porter Law Group, PC
123 East Laurel Street
Scottsboro, Alabama 35768
Telephone: (256) 574-5156
Facsimile: (256) 574-6552

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Jordan D. Watson, Esq.
CARR ALLISON
100 Vestavia Parkway
Birmingham, AL 35216

Via Alafile Systems

Energy Solutions
6249 Sorter Road,
Guntersville, Alabama 35976-2931

Via U.S. Mail



AlaFile E-Notice

39-CV-2016-900248.00

To: JOHN FINLEY PORTER III
johnf@johnporterlaw.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARESLT CONSUL
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The following discovery was FILED on 4/3/2017 4:56:11 PM

Notice Date: 4/3/2017 4:56:11 PM

DONNA BARKSDALE
CIRCUIT COURT CLERK
JACKSON COUNTY, ALABAMA
JACKSON CO COURTHOUSE, SUITE 307
102 EAST LAUREL STREET
SCOTTSBORO, AL, 35768

256-574-9320
Donna.Barksdale@alacourt.gov



AlaFile E-Notice

39-CV-2016-900248.00

To: WATSON JORDAN DAVID
jwatson@carrallison.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARRESULT CONSUL
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JACKSON CO COURTHOUSE, SUITE 307
102 EAST LAUREL STREET
SCOTTSBORO, AL, 35768

256-574-9320
Donna.Barksdale@alacourt.gov

STATE OF ALABAMA Unified Judicial System 39-JACKSON		Revised 3/5/08 <input type="checkbox"/> District Court <input checked="" type="checkbox"/> Circuit Court	Cas CV21
		ELECTRONICALLY FILED 4/4/2017 8:59 AM 39-CV-2016-900248.00 CIRCUIT COURT OF JACKSON COUNTY, ALABAMA DONNA BARKSDALE, CLERK	
DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARRESULT CONSUL		CIVIL MOTION COVER SHEET <i>Name of Filing Party:</i> C001 - DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON	
<i>Name, Address, and Telephone No. of Attorney or Party. If Not Represented.</i> JOHN FINLEY PORTER III 123 EAST LAUREL STREET SCOTTSBORO, AL 35768 Attorney Bar No.: POR006		<input type="checkbox"/> Oral Arguments Requested	
TYPE OF MOTION			
Motions Requiring Fee		Motions Not Requiring Fee	
<input type="checkbox"/> Default Judgment (\$50.00) Joinder in Other Party's Dispositive Motion <input type="checkbox"/> (i.e. Summary Judgment, Judgment on the Pleadings, or other Dispositive Motion not pursuant to Rule 12(b)) (\$50.00) <input type="checkbox"/> Judgment on the Pleadings (\$50.00) <input type="checkbox"/> Motion to Dismiss, or in the Alternative Summary Judgment (\$50.00) Renewed Dispositive Motion (Summary <input type="checkbox"/> Judgment, Judgment on the Pleadings, or other Dispositive Motion not pursuant to Rule 12(b)) (\$50.00) <input type="checkbox"/> Summary Judgment pursuant to Rule 56 (\$50.00) <input type="checkbox"/> Motion to Intervene (\$297.00) <input checked="" type="checkbox"/> Other pursuant to Rule _____ (\$50.00) *Motion fees are enumerated in §12-19-71(a). Fees pursuant to Local Act are not included. Please contact the Clerk of the Court regarding applicable local fees. <input type="checkbox"/> Local Court Costs \$ 0		<input type="checkbox"/> Add Party <input type="checkbox"/> Amend <input type="checkbox"/> Change of Venue/Transfer <input type="checkbox"/> Compel <input type="checkbox"/> Consolidation <input type="checkbox"/> Continue <input type="checkbox"/> Deposition <input type="checkbox"/> Designate a Mediator <input type="checkbox"/> Judgment as a Matter of Law (during Trial) <input type="checkbox"/> Disburse Funds <input type="checkbox"/> Extension of Time <input type="checkbox"/> In Limine <input type="checkbox"/> Joinder <input type="checkbox"/> More Definite Statement <input type="checkbox"/> Motion to Dismiss pursuant to Rule 12(b) <input type="checkbox"/> New Trial <input type="checkbox"/> Objection of Exemptions Claimed <input type="checkbox"/> Pendente Lite <input type="checkbox"/> Plaintiff's Motion to Dismiss <input type="checkbox"/> Preliminary Injunction <input type="checkbox"/> Protective Order <input type="checkbox"/> Quash <input type="checkbox"/> Release from Stay of Execution <input type="checkbox"/> Sanctions <input type="checkbox"/> Sever <input type="checkbox"/> Special Practice in Alabama <input type="checkbox"/> Stay <input type="checkbox"/> Strike <input type="checkbox"/> Supplement to Pending Motion <input type="checkbox"/> Vacate or Modify <input type="checkbox"/> Withdraw <input checked="" type="checkbox"/> Other MOTION TO SHORTEN TIME FOR RESPONSES pursuant to Rule Rule (Subject to Filing Fee)	
Check here if you have filed or are filing contemporaneously with this motion an Affidavit of Substantial Hardship or if you are filing on behalf of an agency or department of the State, county, or municipal government. (Pursuant to §6-5-1 Code of Alabama (1975), governmental entities are exempt from prepayment of filing fees) <input type="checkbox"/>		Date: 4/4/2017 8:55:00 AM	
		Signature of Attorney or Party /s/ JOHN FINLEY PORTER III	

*This Cover Sheet must be completed and submitted to the Clerk of Court upon the filing of any motion. Each motion should contain a separate Cover Sheet.

**Motions titled 'Motion to Dismiss' that are not pursuant to Rule 12(b) and are in fact Motions for Summary Judgments are subject to filing fee.



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4/4/2017 8:59 AM
39-CV-2016-900248.00
CIRCUIT COURT OF
JACKSON COUNTY, ALABAMA
DONNA BARKSDALE, CLERK

David Johnson Construction Co. Inc.,	)	IN THE
d/b/a Johnson Heating and Cooling)	
	)	CIRCUIT COURT OF
PLAINTIFF)	
v.	)	JACKSON COUNTY,
)	
Clearesult Consulting Inc.,	)	ALABAMA
d/b/a. CLEAResult;)	
A, B & C, being those firms, persons or	)	CIVIL ACTION NO.: CV-2016-900248
entities directing or having control over)	
the Quality Contractor Network of the)	
Tennessee Valley Authority in Jackson)	
County, Alabama)	
)	
DEFENDANTS)	

MOTION TO SHORTEN TIME FOR RESPONSES

NOW COMES the Plaintiff in this cause and moves this Court to shorten the time for Defendant Clearesult Consulting, Inc. to produce documents responsive to Plaintiff's Request for Production of Documents and in support thereof says that an evidentiary hearing on Plaintiff's Application for Temporary Restraining Order and Preliminary Injunction, and the Defendant's Motion to Dissolved the Temporary Restraining Order has been set for May 8, 2017 and the Plaintiff will be in need of the Discovery responses in order to prepare for that hearing.

/s/ John F. Porter, III
JOHN F. PORTER, III
ASB No. POR006
Attorney for Plaintiff

OF COUNSEL:

The Porter Law Group, PC
123 East Laurel Street
Scottsboro, Alabama 35768
Telephone: (256) 574-5156
Facsimile: (256) 574-6552

CERTIFICATE OF SERVICE

I do hereby certify that a copy of the foregoing has been served upon the following party by depositing a copy of the same in the appropriate Courthouse Receptacle; in the U.S. Mail, postage prepaid and properly addressed; or via Electronic Mail; or if the party being served is a registered participant of the AlaFile System, service has been made by "Notice of Electronic Filing" on this 4th day of April, 2017:

Jordan D. Watson, Esq.
CARR ALLISON
100 Vestavia Parkway
Birmingham, AL 35216

Via Alafile Systems



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CIRCUIT COURT OF
JACKSON COUNTY, ALABAMA
DONNA BARKSDALE, CLERK

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON
CONSTRUCTION CO. INC. D/B/A
JOHNSON

Plaintiff,

V.

CLEARRESULT CONSULTING, INC.
D/B/A CLEARRESULT

Defendant.

Case No.: CV-2016-900248.00

ORDER

Upon consideration of the Plaintiff's Motion to Shorten Time for Responses, it is hereby Ordered that responses to Plaintiff's Request for Production of Documents be filed by Defendant Clearresult Consulting, Inc. within _____ days from the date of this Order.

DONE this[To be filled by the Judge].

/s/[To be filled by the Judge]

CIRCUIT JUDGE



AlaFile E-Notice

39-CV-2016-900248.00

Judge: JOHN H GRAHAM

To: JOHN FINLEY PORTER III
johnf@johnporterlaw.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARRESULT CONSUL
39-CV-2016-900248.00

The following matter was FILED on 4/4/2017 9:00:30 AM

C001 DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON
MOTION TO SHORTEN TIME FOR RESPONSES
[Filer: PORTER JOHN FINLEY III]

Notice Date: 4/4/2017 9:00:30 AM

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102 EAST LAUREL STREET
SCOTTSBORO, AL, 35768

256-574-9320
Donna.Barksdale@alacourt.gov



AlaFile E-Notice

39-CV-2016-900248.00

Judge: JOHN H GRAHAM

To: WATSON JORDAN DAVID
jwatson@carrallison.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARESLT CONSUL
39-CV-2016-900248.00

The following matter was FILED on 4/4/2017 9:00:30 AM

C001 DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON
MOTION TO SHORTEN TIME FOR RESPONSES
[Filer: PORTER JOHN FINLEY III]

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CIRCUIT COURT OF
JACKSON COUNTY, ALABAMA
DONNA BARKSDALE, CLERK

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON CONSTRUCTION
CO., INC., d/b/a JOHNSON
HEATING AND COOLING,

PLAINTIFF,

VS.

CLEARRESULT CONSULTING, INC.,
d/b/a CLEARRESULT,

DEFENDANT.

CIVIL ACTION NO.: CV 16-900248

DEFENDANT'S RESPONSE TO PLAINTIFF'S MOTION TO SHORTEN TIME, AND
CROSS-MOTION FOR PROTECTIVE ORDER

COMES NOW the Defendant, Clearesult Consulting, Inc. ("Clearesult"), and, pursuant to Ala. R. Civ. P. 26, moves the Court for a protective order disallowing the discovery requests and deposition notices issued by the Plaintiff to Clearesult, and responds to the Plaintiff's Motion to Shorten Time for Responses as follows:

1. As detailed in Clearesult's previous submissions, this matter involves a Temporary Restraining Order entered by the Court on December 6, 2016. As the Court is aware, temporary restraining orders are, by law, meant to expire within ten (10) days. See Ala. R. Civ. P. 65(b). Naturally, given the brief nature of such orders, discovery would ordinarily not be conducted prior to a preliminary injunction hearing.

2. In this matter, Clearesult consented to the extension of the TRO for one reason - to allow Plaintiff a reasonable amount of time to add the Tennessee Valley Authority ("TVA") to this matter.

3. Almost four months have now passed since the entry of the TRO, and the Plaintiff has still failed to do the one thing it requested additional time to do. Rather, the Plaintiff now seeks

to take advantage of its own delay and the extension of the TRO to conduct unnecessary discovery to prepare for a preliminary injunction hearing.

4. While Clearesult contends that the Plaintiff's case lacks any merit, should a preliminary injunction be issued in this matter, the parties will then be allowed an opportunity to conduct discovery in preparation for a trial to obtain a permanent injunction.

WHEREFORE, premises considered, Clearesult respectfully requests the Court: (1) enter an Order disallowing the discovery filed by the Plaintiff in this matter (attached as Exhibit "A"), and (2) denying the Plaintiff's Motion to Shorten Time for Responses. In the alternative, should the discovery issued by the Plaintiff be allowed, Clearesult requests it be allowed to issue its own discovery, and any time restrictions placed on Clearesult also be placed on the Plaintiff.

Respectfully submitted,

/s/Jordan D. Watson
Jordan D. Watson (WAT082)
Attorney for Defendant

OF COUNSEL:

CARR ALLISON
100 Vestavia Parkway
Birmingham, Alabama 35216
Telephone: (205) 822-2006
Facsimile: (205) 822-2057

CERTIFICATE OF SERVICE

I hereby certify that I have this date, April 4, 2017, electronically filed the foregoing with the Clerk of Court using the Alabama e-filing system which will send notification of such filing to all counsel of record:

John F. Porter, III, Esq.
The Porter Law Group, P.C.
124 East Laurel Street
Scottsboro, AL 35768

/s/Jordan D. Watson
OF COUNSEL

EXHIBIT A



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CIRCUIT COURT OF
JACKSON COUNTY, ALABAMA
DONNA BARKSDALE, CLERK

David Johnson Construction Co. Inc.,)	IN THE
d/b/a Johnson Heating and Cooling)	
	)	CIRCUIT COURT OF
PLAINTIFF)	
v.	)	JACKSON COUNTY,
)	
Clearesult Consulting Inc.,	)	ALABAMA
d/b/a. CLEAResult;)	
A, B & C, being those firms, persons or	)	CIVIL ACTION NO.: CV-2016-900248
entities directing or having control over)	
the Quality Contractor Network of the)	
Tennessee Valley Authority in Jackson)	
County, Alabama)	
)	
DEFENDANTS)	

MOTION TO SHORTEN TIME FOR RESPONSES

NOW COMES the Plaintiff in this cause and moves this Court to shorten the time for Defendant Clearesult Consulting, Inc. to produce documents responsive to Plaintiff's Request for Production of Documents and in support thereof says that an evidentiary hearing on Plaintiff's Application for Temporary Restraining Order and Preliminary Injunction, and the Defendant's Motion to Dissolved the Temporary Restraining Order has been set for May 8, 2017 and the Plaintiff will be in need of the Discovery responses in order to prepare for that hearing.

/s/ John F. Porter, III
JOHN F. PORTER, III
ASB No. POR006
Attorney for Plaintiff

OF COUNSEL:

The Porter Law Group, PC
123 East Laurel Street
Scottsboro, Alabama 35768
Telephone: (256) 574-5156
Facsimile: (256) 574-6552

CERTIFICATE OF SERVICE

I do hereby certify that a copy of the foregoing has been served upon the following party by depositing a copy of the same in the appropriate Courthouse Receptacle; in the U.S. Mail, postage prepaid and properly addressed; or via Electronic Mail; or if the party being served is a registered participant of the AlaFile System, service has been made by "Notice of Electronic Filing" on this 4th day of April, 2017:

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CARR ALLISON
100 Vestavia Parkway
Birmingham, AL 35216

Via Alafile Systems



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CIRCUIT COURT OF
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DONNA BARKSDALE, CLERK

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON
CONSTRUCTION CO. INC. D/B/A
JOHNSON

Plaintiff,

V.

CLEARRESULT CONSULTING, INC.
D/B/A CLEARRESULT

Defendant.

Case No.: CV-2016-900248.00

ORDER

Upon consideration of the Plaintiff's Motion to Shorten Time for Responses, it is hereby Ordered that responses to Plaintiff's Request for Production of Documents be filed by Defendant Cleareresult Consulting, Inc. within _____ days from the date of this Order.

DONE this [To be filled by the Judge].

/s/[To be filled by the Judge]

CIRCUIT JUDGE



AlaFile E-Notice

39-CV-2016-900248.00

Judge: JOHN H GRAHAM

To: JORDAN DAVID WATSON
jwatson@carrallison.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARESLT CONSUL
39-CV-2016-900248.00

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MOTION TO SHORTEN TIME FOR RESPONSES
[Filer: WATSON JORDAN DAVID]

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CIRCUIT COURT CLERK
JACKSON COUNTY, ALABAMA
JACKSON CO COURTHOUSE, SUITE 307
102 EAST LAUREL STREET
SCOTTSBORO, AL, 35768

256-574-9320
Donna.Barksdale@alacourt.gov



AlaFile E-Notice

39-CV-2016-900248.00

Judge: JOHN H GRAHAM

To: PORTER JOHN FINLEY III
johnf@johnporterlaw.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARESLT CONSUL
39-CV-2016-900248.00

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D001 CLEARESLT CONSULTING, INC. D/B/A CLEARESLT
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CIRCUIT COURT OF
JACKSON COUNTY, ALABAMA
DONNA BARKSDALE, CLERK

David Johnson Construction Co. Inc.,)	IN THE
d/b/a Johnson Heating and Cooling)	
	)	CIRCUIT COURT OF
PLAINTIFF)	
v.	)	JACKSON COUNTY,
)	
Clearesult Consulting Inc.,	)	ALABAMA
d/b/a. CLEAResult;)	
A, B & C, being those firms, persons or	)	CIVIL ACTION NO.: CV-2016-900248
entities directing or having control over)	
the Quality Contractor Network of the)	
Tennessee Valley Authority in Jackson)	
County, Alabama)	
)	
DEFENDANTS)	

PLAINTIFF'S RESPONSE TO
DEFENDANT'S RESPONSE REGARDING DISCOVERY REQUESTS

NOW COMES the Plaintiff herein and in response to the Defendant's Response to Plaintiff's Motion to Shorten Time, and Cross-Motion for Protective Order says as follows:

1) Rule 26, and following, of the Alabama Rules of Civil Procedure provides that the parties may engage in discovery at any time during the pendency of the action, including at the time of the initial filings. The Defendant cites no Rule or authority that would limit the Plaintiff in the scope or timing of discovery at this juncture.

2) The Plaintiff's claims against the Defendant include an application for temporary restraining order, and preliminary injunction, but also assert other and additional claims of relief, all of which are subject to being explored through discovery.

3) A part of the Defendant's defense to the Plaintiff's claims, including the request for temporary restraining order, asserts that Clearesult is not the "decision maker" in regard to including or excluding contractors from the Quality Contractor Network offered by TVA. Upon information and belief, Clearesult has a certain amount of discretion and authority to either terminate a contractor or recommend a contractor for termination. As asserted in the Plaintiff's Complaint, the letter addressed to Johnson Heating and Cooling removing them from the QCN list was signed by Clearesult.

THEREFORE, the discovery request by the Plaintiff will elicit the true relationship between Clearesult and TVA which will have a direct bearing on matters to be considered by the Court on the hearing on the Plaintiff's request for temporary restraining order and preliminary injunction. Based upon the information available to the Plaintiff at this time, it cannot determine whether or not TVA is a necessary party. If the documents and information requested by the Plaintiff from Clearesult and other third-party subpoenas reveal that Clearesult has the authority to terminate a contractor from the QCN list, then Tennessee Valley Authority may not be a necessary party. The Plaintiff's discovery requests also seek documentation and information regarding the Plaintiff's substantive claims against the Defendant. Whether the Tennessee Valley Authority is added as a party Defendant or not has no bearing on the Plaintiff's right to conduct discovery.

/s/ John F. Porter, III
 JOHN F. PORTER, III
 ASB No. POR006
 Attorney for Plaintiff

OF COUNSEL:

The Porter Law Group, PC
 123 East Laurel Street
 Scottsboro, Alabama 35768
 Telephone: (256) 574-5156
 Facsimile: (256) 574-6552

CERTIFICATE OF SERVICE

I do hereby certify that a copy of the foregoing has been served upon the following party by depositing a copy of the same in the appropriate Courthouse Receptacle; in the U.S. Mail, postage prepaid and properly addressed; or via Electronic Mail; or if the party being served is a registered participant of the AlaFile System, service has been made by "Notice of Electronic Filing" on this 4th day of April, 2017:

Jordan D. Watson, Esq.
 CARR ALLISON
 100 Vestavia Parkway
 Birmingham, AL 35216

Via Alafile Systems



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39-CV-2016-900248.00

Judge: JOHN H GRAHAM

To: JOHN FINLEY PORTER III
johnf@johnporterlaw.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARRESULT CONSUL
39-CV-2016-900248.00

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JACKSON COUNTY, ALABAMA
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SCOTTSBORO, AL, 35768

256-574-9320
Donna.Barksdale@alacourt.gov



AlaFile E-Notice

39-CV-2016-900248.00

Judge: JOHN H GRAHAM

To: WATSON JORDAN DAVID
jwatson@carrallison.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARRESULT CONSUL
39-CV-2016-900248.00

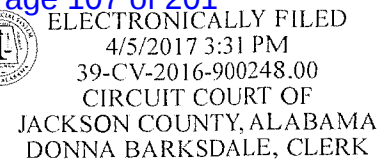
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MOTION TO SHORTEN TIME FOR RESPONSES
[Filer: PORTER JOHN FINLEY III]

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JACKSON COUNTY, ALABAMA
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102 EAST LAUREL STREET
SCOTTSBORO, AL, 35768

256-574-9320
Donna.Barksdale@alacourt.gov



IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

**DAVID JOHNSON CONSTRUCTION
CO., INC., d/b/a JOHNSON
HEATING AND COOLING,**

PLAINTIFF,

VS.

CIVIL ACTION NO.: CV 16-900248

CLEARRESULT CONSULTING, INC.,
d/b/a CLEARRESULT,

DEFENDANT.

NOTICE OF SERVICE OF DISCOVERY DOCUMENTS

TO: Clerk of Court

PLEASE TAKE NOTICE that the following discovery documents have been filed on behalf of the Defendant.

(X) Defendant CleaResult Consulting, Inc.'s Requests for Admissions, Requests for Production, and Interrogatories to Plaintiff

Respectfully submitted,

/s/Jordan D. Watson
Jordan D. Watson (WAT08)
Attorney for Defendant

OF COUNSEL:

CARR ALLISON
100 Vestavia Parkway
Birmingham, Alabama 35216
Telephone: (205) 822-2006
Facsimile: (205) 822-2057

CERTIFICATE OF SERVICE

I hereby certify that I have this date, April 5, 2017, electronically filed the foregoing with the Clerk of Court using the Alabama e-filing system which will send notification of such filing to all counsel of record:

John F. Porter, III, Esq.
The Porter Law Group, P.C.
124 East Laurel Street
Scottsboro, AL 35768

/s/Jordan D. Watson
OF COUNSEL



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jwatson@carrallison.com

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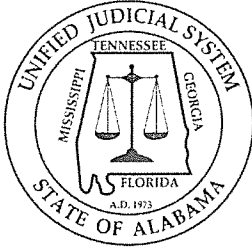
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To: PORTER JOHN FINLEY III
johnf@johnporterlaw.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

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JACKSON COUNTY, ALABAMA
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David Johnson Construction Co. Inc.,)	IN THE
d/b/a Johnson Heating and Cooling)	
	)	CIRCUIT COURT OF
PLAINTIFF)	
v.	)	JACKSON COUNTY,
)	
Clearesult Consulting Inc.,	)	ALABAMA
d/b/a. CLEAResult; Tennessee)	
Valley Authority;)	
A, B & C, being those firms, persons or	)	CIVIL ACTION NO.: CV-2016-900248
entities directing or having control over)	
the Quality Contractor Network of the)	
Tennessee Valley Authority in Jackson)	
County, Alabama)	
)	
DEFENDANTS)	

AMENDED COMPLAINT

AND

MOTION FOR PRELIMINARY INJUNCTION

NOW COMES the Plaintiff and brings this Amended Complaint and Motion for Preliminary Injunction and says as follows:

1) The Plaintiff, David Johnson Construction Co. Inc., doing business as Johnson Heating and Cooling, is an Alabama corporation with its principal place of business in Scottsboro, Jackson County, Alabama. The Plaintiff is in the business of providing heating and cooling and related services, to customers in Northeast Alabama.

2) The Plaintiff has been a participant in and qualified as a contractor in the Quality Contractor Network (QCN) through the "EnergyRight" program offered by the Tennessee Valley Authority (TVA) for the last 37 years. The Plaintiff has at all times met the standards and requirements to qualify as a QCN participating contractor and has received top awards from the Tennessee Valley Authority in multiple years. For the report generated by the "EnergyRight" program dated December 1, 2016, the Plaintiff had passed 100% of all inspections under the program and had a customer satisfaction rating of 4.78 (out of 5.0) with 61 customer satisfaction surveys being submitted. The Plaintiff has been consistently the top producer under the "EnergyRight" program in Northeast Alabama. The Plaintiff has obtained a property right to participate in the "EnergyRight" program as a QCN contractor.

3) The Defendant, TVA, is a corporation with its principle office in Muscle Shoals, Alabama. 16 U.S.C § 831g(a). Even though Defendant TVA was created by a federal act, this Court has concurrent jurisdiction because Congress did not expressly grant the federal district courts exclusive jurisdiction in TVA's enabling act. 16 U.S.C § 831c-2. The Supreme Court of the United States has declared that:

In cases 'arising under' federal law, we note, there is a deeply rooted presumption in favor of concurrent state court jurisdiction, rebuttable if Congress affirmatively ousts the state courts of jurisdiction over a particular federal claim. The presumption of concurrent state-court jurisdiction, we have recognized, can be overcome by an explicit statutory directive, by unmistakable implication from legislative history, or by a clear incompatibility between state-court jurisdiction and federal interests.

Mims v. Arrow Fin. Servs., LLC, 132 S. Ct. 740, 748 (2012). As the corporation in charge of the "EnergyRight" program and the QCN, TVA is ultimately responsible for overseeing the programs under its mandate and ensuring all actions taken under such programs abide by applicable law.

4) The TVA "EnergyRight" program is administered in Northeast Alabama by the Defendant, Clearesult Consulting, Inc., d/b/a. CLEAResult. The Defendant CLEAResult is a foreign corporation with the authority to do business in the State of Alabama. Upon information and belief, CLEAResult has responsibility for administering the "EnergyRight" program and overseeing the QCN Contractors in Northeast Alabama, including the Plaintiff's operations.

5) In approximately October, 2016, as a result of a single complaint by competing QCN contractor, the Plaintiff had a meeting with a representative of CLEAResult and TVA. At the meeting, the parties discussed the complaint and the Plaintiff was advised at the conclusion of the meeting by the TVA representative that there would be no further consequences to the Plaintiff as a result of the complaint.

6) Contrary to the position of the TVA representative at the meeting, on November 21, 2016, CLEAResult, as TVA's residential program administrator, notified the Plaintiff, by letter, that the Plaintiff would be removed from the QCN network for a period of one year beginning December 6, 2016. The Plaintiff denies that it has taken any action or failed to take required action that would justify it being removed from the "EnergyRight" program.

7) The Plaintiff avers that the Defendants' decision to suspend the Plaintiff from the QCN program was arbitrary, capricious and without justification, causing substantial harm to the Plaintiff's business. The damage to the Plaintiff's reputation being removed from the QCN program will be irreparable. A substantial portion of the Plaintiff's gross revenue is derived from participation in the QCN.

WHEREFORE, the Plaintiff prays that this Court will enter a Preliminary Injunction and Permanent Injunction enjoining both TVA and CLEAResult from removing the Plaintiff from the Quality Contractor Network, and will grant to the Plaintiff such further and different relief to which the Plaintiff may be entitled against TVA as the Court may deem appropriate.

/s/ John F. Porter, III
JOHN F. PORTER, III
ASB No. POR006
Attorney for Plaintiff

OF COUNSEL:

The Porter Law Group, PC
123 East Laurel Street
Scottsboro, Alabama 35768
Telephone: (256) 574-5156
Facsimile: (256) 574-6552

CERTIFICATE OF SERVICE

I do hereby certify that a copy of the foregoing has been served upon the following party by depositing a copy of the same in the appropriate Courthouse Receptacle; in the U.S. Mail, postage prepaid and properly addressed; or via Electronic Mail; or if the party being served is a registered participant of the AlaFile System, service has been made by "Notice of Electronic Filing" on this 11th day of April, 2017:

Jordan D. Watson, Esq.
CARR ALLISON
100 Vestavia Parkway
Birmingham, AL 35216

Via Alafile Systems



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39-CV-2016-900248.00
CIRCUIT COURT OF
JACKSON COUNTY, ALABAMA
DONNA BARKSDALE, CLERK

AlaFile E-Notice

39-CV-2016-900248.00

To: JOHN FINLEY PORTER III
johnf@johnporterlaw.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARESULT CONSUL
39-CV-2016-900248.00

The following complaint was FILED on 12/6/2016 10:26:28 AM

Notice Date: 12/6/2016 10:26:28 AM

DONNA BARKSDALE
CIRCUIT COURT CLERK
JACKSON COUNTY, ALABAMA
JACKSON CO COURTHOUSE, SUITE 307
102 EAST LAUREL STREET
SCOTTSBORO, AL, 35768

256-574-9320
Donna.Barksdale@alacourt.gov

State of Alabama Unified Judicial System Form ARCiv-93 Rev.5/99	COVER SHEET CIRCUIT COURT - CIVIL CASE (Not For Domestic Relations Cases)	Ca: 3C CIRCUIT COURT OF JACKSON COUNTY, ALABAMA 3C DONNA BARKSDALE, CLERK Date of Filing: 12/06/2016 Judge Code:
GENERAL INFORMATION		
IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON v. CLEARRESULT CONSULTING, INC. D/B/A CLEA		
First Plaintiff: <input checked="" type="checkbox"/> Business <input type="checkbox"/> Individual <input type="checkbox"/> Government <input type="checkbox"/> Other First Defendant: <input checked="" type="checkbox"/> Business <input type="checkbox"/> Individual <input type="checkbox"/> Government <input type="checkbox"/> Other		
NATURE OF SUIT: Select primary cause of action, by checking box (check only one) that best characterizes your action:		
TORTS: PERSONAL INJURY <input type="checkbox"/> WDEA - Wrongful Death <input type="checkbox"/> TONG - Negligence: General <input type="checkbox"/> TOMV - Negligence: Motor Vehicle <input type="checkbox"/> TOWA - Wantonness <input type="checkbox"/> TOPL - Product Liability/AEMLD <input type="checkbox"/> TOMM - Malpractice-Medical <input type="checkbox"/> TOLM - Malpractice-Legal <input type="checkbox"/> TOOM - Malpractice-Other <input type="checkbox"/> TBFM - Fraud/Bad Faith/Misrepresentation <input type="checkbox"/> TOXX - Other: _____ TORTS: PERSONAL INJURY <input type="checkbox"/> TOPE - Personal Property <input type="checkbox"/> TORE - Real Property OTHER CIVIL FILINGS <input type="checkbox"/> ABAN - Abandoned Automobile <input type="checkbox"/> ACCT - Account & Nonmortgage <input type="checkbox"/> APAA - Administrative Agency Appeal <input type="checkbox"/> ADPA - Administrative Procedure Act <input type="checkbox"/> ANPS - Adults in Need of Protective Service	OTHER CIVIL FILINGS (cont'd) <input type="checkbox"/> MSXX - Birth/Death Certificate Modification/Bond Forfeiture Appeal/Enforcement of Agency Subpoena/Petition to Preserve <input type="checkbox"/> CVRT - Civil Rights <input type="checkbox"/> COND - Condemnation/Eminent Domain/Right-of-Way <input type="checkbox"/> CTMP - Contempt of Court <input type="checkbox"/> CONT - Contract/Ejectment/Writ of Seizure <input type="checkbox"/> TOCN - Conversion <input type="checkbox"/> EQND - Equity Non-Damages Actions/Declaratory Judgment/Injunction Election Contest/Quiet Title/Sale For Division <input type="checkbox"/> CVUD - Eviction Appeal/Unlawful Detainer <input type="checkbox"/> FORJ - Foreign Judgment <input type="checkbox"/> FORF - Fruits of Crime Forfeiture <input type="checkbox"/> MSHC - Habeas Corpus/Extraordinary Writ/Mandamus/Prohibition <input type="checkbox"/> PFAB - Protection From Abuse <input type="checkbox"/> FELA - Railroad/Seaman (FELA) <input type="checkbox"/> RPRO - Real Property <input type="checkbox"/> WTEG - Will/Trust/Estate/Guardianship/Conservatorship <input type="checkbox"/> COMP - Workers' Compensation <input checked="" type="checkbox"/> CVXX - Miscellaneous Circuit Civil Case	
ORIGIN: F <input checked="" type="checkbox"/> INITIAL FILING A <input type="checkbox"/> APPEAL FROM DISTRICT COURT O <input type="checkbox"/> OTHER R <input type="checkbox"/> REMANDED T <input type="checkbox"/> TRANSFERRED FROM OTHER CIRCUIT COURT		
HAS JURY TRIAL BEEN DEMANDED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO Note: Checking "Yes" does not constitute a demand for a jury trial. (See Rules 38 and 39, Ala.R.Civ.P., for procedure)		
RELIEF REQUESTED: <input type="checkbox"/> MONETARY AWARD REQUESTED <input checked="" type="checkbox"/> NO MONETARY AWARD REQUESTED		
ATTORNEY CODE: <div style="display: flex; justify-content: space-between;"> <div>POR006</div> <div>12/6/2016 10:26:16 AM</div> <div>/s/ JOHN FINLEY PORTER III</div> </div> <div style="display: flex; justify-content: space-between; font-size: small;"> <div></div> <div>Date</div> <div>Signature of Attorney/Party filing this form</div> </div>		
MEDIATION REQUESTED: <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> UNDECIDED		



David Johnson Construction Co. Inc.,	)	IN THE
d/b/a Johnson Heating and Cooling)	
	)	CIRCUIT COURT OF
PLAINTIFF)	
v.	)	JACKSON COUNTY,
)	
Clearesult Consulting Inc.,	)	ALABAMA
d/b/a. CLEAResult;)	
A, B & C, being those firms, persons or	)	CIVIL ACTION NO.: CV-2016-_____
entities directing or having control over)	
the Quality Contractor Network of the)	
Tennessee Valley Authority in Jackson)	
County, Alabama)	
)	
DEFENDANTS)	

COMPLAINT

AND

MOTION FOR TEMPORARY RESTRAINING ORDER

NOW COMES the Plaintiff and brings this Complaint and Motion for Temporary Restraining Order and says as follows:

1) The Plaintiff, David Johnson Construction Co. Inc. doing business as Johnson Heating and Cooling, is an Alabama corporation with its principal place of business in Scottsboro, Jackson County, Alabama. The Plaintiff is in the business of providing heating and cooling, and related services, to customer in Northeast Alabama.

2) The Plaintiff has been a participant in and qualified as a contractor in the Quality Contractor Network (QCN) through the "energyright" program offered by the Tennessee Valley Authority (TVA) for the last 37 years. The Plaintiff has at all times met the standards and requirements to qualify as a QCN participating contractor and has received top awards from the Tennessee Valley Authority in multiple years. For the report generated by the "energyright" program dated December 1, 2016, the Plaintiff had passed 100% of all inspections under the program and had a customer satisfaction rating of 4.78 (out of 5.0) with 61 customer satisfaction surveys being submitted. The Plaintiff has been consistently the top producer under the "energyright" program in Northeast Alabama. The Plaintiff has obtained a property right to participate in the "energyright" program as a QCN contractor.

3) The TVA "energyright" program is administered in Northeast Alabama by the Defendant, Clearesult Consulting, Inc., d/b/a. CLEAResult. The Defendant is a foreign

corporation with the authority to do business in the State of Alabama. Upon information and belief, CLEAResult has sole responsibility for administering the "energyright" program and overseeing the QCN Contractors in Northeast Alabama, including the Plaintiff's operations.

4) In approximately October, 2016, as a result of a single complaint by competing QCN contractor, the Plaintiff had a meeting with a representative of CLEAResult and TVA. At the meeting, the parties discussed the complaint and the Plaintiff was advised at the conclusion of the meeting by the TVA representative that there would be no further consequences to the Plaintiff as a result of the complaint.

4) Contrary to the position of the TVA representative at the meeting, on November 21, 2016, CLEAResult, as TVA's residential program administrator, notified the Plaintiff, by letter, that the Plaintiff would be removed from the QCN network for a period of one year beginning December 6, 2016. The Plaintiff denies that it has taken any action or failed to take required action that would justify it being removed from the "energyright" program.

5) The Plaintiff avers that the Defendant's decision to suspend the Plaintiff from the QCN program was arbitrary, capricious and without justification, causing substantial harm to the plaintiff's business. The damage to the Plaintiff's reputation being removed from the QCN program will be irreparable. A substantial portion of the Plaintiff's gross revenue is derived from participation in the QCN.

WHEREFORE, the Plaintiff prays that this Court will enter an immediate Temporary Restraining Order enjoining CLEAResult from removing the Plaintiff from the Quality Contractor Network, to grant to the Plaintiff a Preliminary Injunction and Permanent Injunction of the same nature, and will grant to the Plaintiff such further and different relief to which the Plaintiff may be entitled including an award of damages, costs and fees as the Court may deem appropriate.

David Johnson Construction Co. Inc.



By: David Johnson.

STATE OF ALABAMA)
)
JACKSON COUNTY)

I, the undersigned authority, a Notary Public, in and for said County and State, hereby certify that David Johnson, whose name is signed to the foregoing, and who is known to

me, acknowledged before me on this day that he has read the foregoing and that it is true and correct to the best of his information, knowledge and belief.

Given under my hand this 5th day of December, 2016.



NOTARY PUBLIC

My Commission Expires 11-7-2020

/s/ John F. Porter, III

JOHN F. PORTER, III

ASB No. POR006

Attorney for Plaintiff

OF COUNSEL:

The Porter Law Group, PC

123 East Laurel Street

Scottsboro, Alabama 35768

Telephone: (256) 574-5156

Facsimile: (256) 574-6552

STATE OF ALABAMA Unified Judicial System 39-JACKSON		Revised 3/5/08 <input type="checkbox"/> District Court <input checked="" type="checkbox"/> Circuit Court	Cas CV2	ELECTRONICALLY FILED 4/11/2017 1:58 PM 39-CV-2016-900248.00 CIRCUIT COURT OF JACKSON COUNTY, ALABAMA DONNA BARKSDALE, CLERK
DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARRESULT CONSUL		CIVIL MOTION COVER SHEET <i>Name of Filing Party:</i> C001 - DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON		
<i>Name, Address, and Telephone No. of Attorney or Party. If Not Represented.</i> JOHN FINLEY PORTER III 123 EAST LAUREL STREET SCOTTSBORO, AL 35768 Attorney Bar No.: POR006		<input type="checkbox"/> Oral Arguments Requested		
TYPE OF MOTION				
Motions Requiring Fee		Motions Not Requiring Fee		
<input type="checkbox"/> Default Judgment (\$50.00) Joinder in Other Party's Dispositive Motion (i.e. Summary Judgment, Judgment on the Pleadings, <input type="checkbox"/> or other Dispositive Motion not pursuant to Rule 12(b)) (\$50.00) <input type="checkbox"/> Judgment on the Pleadings (\$50.00) <input type="checkbox"/> Motion to Dismiss, or in the Alternative Summary Judgment (\$50.00) Renewed Dispositive Motion (Summary <input type="checkbox"/> Judgment, Judgment on the Pleadings, or other Dispositive Motion not pursuant to Rule 12(b)) (\$50.00) <input type="checkbox"/> Summary Judgment pursuant to Rule 56 (\$50.00) <input type="checkbox"/> Motion to Intervene (\$297.00) <input checked="" type="checkbox"/> Other pursuant to Rule _____ (\$50.00) *Motion fees are enumerated in §12-19-71(a). Fees pursuant to Local Act are not included. Please contact the Clerk of the Court regarding applicable local fees. <input type="checkbox"/> Local Court Costs \$ 0		<input type="checkbox"/> Add Party <input type="checkbox"/> Amend <input type="checkbox"/> Change of Venue/Transfer <input type="checkbox"/> Compel <input type="checkbox"/> Consolidation <input type="checkbox"/> Continue <input type="checkbox"/> Deposition <input type="checkbox"/> Designate a Mediator <input type="checkbox"/> Judgment as a Matter of Law (during Trial) <input type="checkbox"/> Disburse Funds <input type="checkbox"/> Extension of Time <input type="checkbox"/> In Limine <input type="checkbox"/> Joinder <input type="checkbox"/> More Definite Statement <input type="checkbox"/> Motion to Dismiss pursuant to Rule 12(b) <input type="checkbox"/> New Trial <input type="checkbox"/> Objection of Exemptions Claimed <input type="checkbox"/> Pendente Lite <input type="checkbox"/> Plaintiff's Motion to Dismiss <input type="checkbox"/> Preliminary Injunction <input type="checkbox"/> Protective Order <input type="checkbox"/> Quash <input type="checkbox"/> Release from Stay of Execution <input type="checkbox"/> Sanctions <input type="checkbox"/> Sever <input type="checkbox"/> Special Practice in Alabama <input type="checkbox"/> Stay <input type="checkbox"/> Strike <input type="checkbox"/> Supplement to Pending Motion <input type="checkbox"/> Vacate or Modify <input type="checkbox"/> Withdraw <input checked="" type="checkbox"/> Other <u>NOTICE OF ADDITION OF PARTY</u> pursuant to Rule Rule (Subject to Filing Fee)		
Check here if you have filed or are filing contemporaneously with this motion an Affidavit of Substantial Hardship or if you are filing on behalf of an agency or department of the State, county, or municipal government. (Pursuant to §6-5-1 Code of Alabama (1975), governmental entities are exempt from prepayment of filing fees) <input type="checkbox"/>		Date: 4/11/2017 1:57:04 PM		Signature of Attorney or Party /s/ JOHN FINLEY PORTER III

*This Cover Sheet must be completed and submitted to the Clerk of Court upon the filing of any motion. Each motion should contain a separate Cover Sheet.
 **Motions titled 'Motion to Dismiss' that are not pursuant to Rule 12(b) and are in fact Motions for Summary Judgments are subject to filing fee.



ELECTRONICALLY FILED
4/11/2017 1:58 PM
39-CV-2016-900248.00
CIRCUIT COURT OF
JACKSON COUNTY, ALABAMA
DONNA BARKSDALE, CLERK

David Johnson Construction Co. Inc.,	)	IN THE
d/b/a Johnson Heating and Cooling)	
	)	CIRCUIT COURT OF
PLAINTIFF)	
v.	)	JACKSON COUNTY,
)	
Clearesult Consulting Inc.,	)	ALABAMA
d/b/a. CLEAResult;)	
A, B & C, being those firms, persons or	)	CIVIL ACTION NO.: CV-2016-900248
entities directing or having control over)	
the Quality Contractor Network of the)	
Tennessee Valley Authority in Jackson)	
County, Alabama)	
)	
DEFENDANTS)	

NOTICE OF ADDITION OF PARTY

NOW COMES the Plaintiff herein and pursuant to Rule 15 and Rule 19 of the Alabama Rules of Civil Procedure does hereby give notice of the addition of the Tennessee Valley Authority, a public corporation, as a Party-defendant. Tennessee Valley Authority is subject to the jurisdiction of this Court which has concurrent jurisdiction with the United States District Court. Tennessee Valley Authority is a necessary party in that complete relief cannot be afforded without their presence.

/s/ John F. Porter, III
JOHN F. PORTER, III
ASB No. POR006
Attorney for Plaintiff

OF COUNSEL:

The Porter Law Group, PC
123 East Laurel Street
Scottsboro, Alabama 35768
Telephone: (256) 574-5156
Facsimile: (256) 574-6552

CERTIFICATE OF SERVICE

I do hereby certify that a copy of the foregoing has been served upon the following party by depositing a copy of the same in the appropriate Courthouse Receptacle; in the U.S. Mail, postage prepaid and properly addressed; or via Electronic Mail; or if the party being served is a registered participant of the AlaFile System, service has been made by "Notice of Electronic Filing" on this 11th day of April, 2017:

Jordan D. Watson, Esq.
CARR ALLISON
100 Vestavia Parkway
Birmingham, AL 35216

Via Alafile Systems



AlaFile E-Notice

39-CV-2016-900248.00

Judge: JOHN H GRAHAM

To: JOHN FINLEY PORTER III
johnf@johnporterlaw.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARRESULT CONSUL
39-CV-2016-900248.00

The following matter was FILED on 4/11/2017 1:59:10 PM

C001 DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON
NOTICE OF ADDITION OF PARTY
[Filer: PORTER JOHN FINLEY III]

Notice Date: 4/11/2017 1:59:10 PM

DONNA BARKSDALE
CIRCUIT COURT CLERK
JACKSON COUNTY, ALABAMA
JACKSON CO COURTHOUSE, SUITE 307
102 EAST LAUREL STREET
SCOTTSBORO, AL, 35768

256-574-9320
Donna.Barksdale@alacourt.gov



AlaFile E-Notice

39-CV-2016-900248.00

Judge: JOHN H GRAHAM

To: TENNESSEE VALLEY AUTHORITY (PRO SE)
400 W. SUMMIT HILL DRIVE
KNOXVILLE, AL, 37902-0000

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARRESULT CONSUL
39-CV-2016-900248.00

The following matter was FILED on 4/11/2017 1:59:10 PM

C001 DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON
NOTICE OF ADDITION OF PARTY
[Filer: PORTER JOHN FINLEY III]

Notice Date: 4/11/2017 1:59:10 PM

DONNA BARKSDALE
CIRCUIT COURT CLERK
JACKSON COUNTY, ALABAMA
JACKSON CO COURTHOUSE, SUITE 307
102 EAST LAUREL STREET
SCOTTSBORO, AL, 35768

256-574-9320
Donna.Barksdale@alacourt.gov



AlaFile E-Notice

39-CV-2016-900248.00

Judge: JOHN H GRAHAM

To: WATSON JORDAN DAVID
jwatson@carrallison.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARERESULT CONSUL
39-CV-2016-900248.00

The following matter was FILED on 4/11/2017 1:59:10 PM

C001 DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON
NOTICE OF ADDITION OF PARTY
[Filer: PORTER JOHN FINLEY III]

Notice Date: 4/11/2017 1:59:10 PM

DONNA BARKSDALE
CIRCUIT COURT CLERK
JACKSON COUNTY, ALABAMA
JACKSON CO COURTHOUSE, SUITE 307
102 EAST LAUREL STREET
SCOTTSBORO, AL, 35768

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☐ Certified Mail Restricted Delivery

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Postage

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Total Postage and Fees

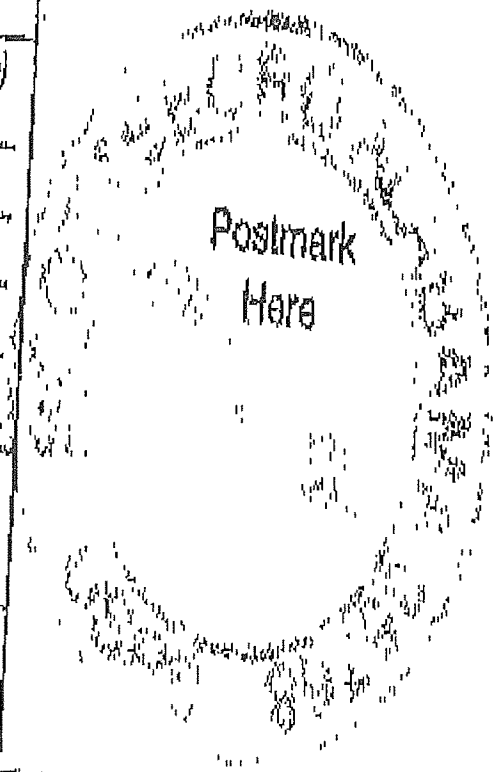
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9102

CERTIFICATE OF SERVICE

I hereby certify that I have this date, April 17, 2017, electronically filed the foregoing with the Clerk of Court using the Alabama e-filing system which will send notification of such filing to all counsel of record:

John F. Porter, III, Esq.
The Porter Law Group, P.C.
124 East Laurel Street
Scottsboro, AL 35768

/s/Jordan D. Watson
OF COUNSEL



AlaFile E-Notice

39-CV-2016-900248.00

To: JORDAN DAVID WATSON
jwatson@carrallison.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

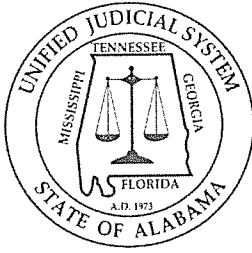
DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARRESULT CONSUL
39-CV-2016-900248.00

The following discovery was FILED on 4/17/2017 8:48:55 PM

Notice Date: 4/17/2017 8:48:55 PM

DONNA BARKSDALE
CIRCUIT COURT CLERK
JACKSON COUNTY, ALABAMA
JACKSON CO COURTHOUSE, SUITE 307
102 EAST LAUREL STREET
SCOTTSBORO, AL, 35768

256-574-9320
Donna.Barksdale@alacourt.gov



AlaFile E-Notice

39-CV-2016-900248.00

To: TENNESSEE VALLEY AUTHORITY (PRO SE)
400 W. SUMMIT HILL DRIVE
KNOXVILLE, AL, 37902-0000

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARRESULT CONSUL
39-CV-2016-900248.00

The following discovery was FILED on 4/17/2017 8:48:55 PM

Notice Date: 4/17/2017 8:48:55 PM

DONNA BARKSDALE
CIRCUIT COURT CLERK
JACKSON COUNTY, ALABAMA
JACKSON CO COURTHOUSE, SUITE 307
102 EAST LAUREL STREET
SCOTTSBORO, AL, 35768

256-574-9320
Donna.Barksdale@alacourt.gov



AlaFile E-Notice

39-CV-2016-900248.00

To: PORTER JOHN FINLEY III
johnf@johnporterlaw.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARRESULT CONSUL
39-CV-2016-900248.00

The following discovery was FILED on 4/17/2017 8:48:55 PM

Notice Date: 4/17/2017 8:48:55 PM

DONNA BARKSDALE
CIRCUIT COURT CLERK
JACKSON COUNTY, ALABAMA
JACKSON CO COURTHOUSE, SUITE 307
102 EAST LAUREL STREET
SCOTTSBORO, AL, 35768

256-574-9320
Donna.Barksdale@alacourt.gov

STATE OF ALABAMA

Revised 3/5/08

Cas

Unified Judicial System

39-JACKSON

☐ District Court☒ Circuit Court

CV21

DAVID JOHNSON CONSTRUCTION CO. INC.
D/B/A JOHNSON V. CLEARRESULT CONSUL

CIVIL MOTION COVER SHEET

Name of Filing Party: C001 - DAVID JOHNSON CONSTRUCTION CO.
INC. D/B/A JOHNSON

Name, Address, and Telephone No. of Attorney or Party. If Not Represented.

JOHN FINLEY PORTER III
123 EAST LAUREL STREET
SCOTTSBORO, AL 35768

Attorney Bar No.: POR006

☐ Oral Arguments Requested

TYPE OF MOTION

Motions Requiring Fee

- ☐ Default Judgment (\$50.00)
Joinder in Other Party's Dispositive Motion
(i.e. Summary Judgment, Judgment on the Pleadings,
or other Dispositive Motion not pursuant to Rule 12(b))
(\$50.00)
- ☐ Judgment on the Pleadings (\$50.00)
- ☐ Motion to Dismiss, or in the Alternative
Summary Judgment (\$50.00)
- Renewed Dispositive Motion (Summary
Judgment, Judgment on the Pleadings, or other
Dispositive Motion not pursuant to Rule 12(b)) (\$50.00)
- ☐ Summary Judgment pursuant to Rule 56 (\$50.00)
- ☐ Motion to Intervene (\$297.00)
- ☒ Other
pursuant to Rule (\$50.00)

*Motion fees are enumerated in §12-19-71(a). Fees
pursuant to Local Act are not included. Please contact the
Clerk of the Court regarding applicable local fees.

☐ Local Court Costs \$ 0

Motions Not Requiring Fee

- ☐ Add Party
- ☐ Amend
- ☐ Change of Venue/Transfer
- ☐ Compel
- ☐ Consolidation
- ☐ Continue
- ☐ Deposition
- ☐ Designate a Mediator
- ☐ Judgment as a Matter of Law (during Trial)
- ☐ Disburse Funds
- ☐ Extension of Time
- ☐ In Limine
- ☐ Joinder
- ☐ More Definite Statement
- ☐ Motion to Dismiss pursuant to Rule 12(b)
- ☐ New Trial
- ☐ Objection of Exemptions Claimed
- ☐ Pendente Lite
- ☐ Plaintiff's Motion to Dismiss
- ☐ Preliminary Injunction
- ☐ Protective Order
- ☐ Quash
- ☐ Release from Stay of Execution
- ☐ Sanctions
- ☐ Sever
- ☐ Special Practice in Alabama
- ☐ Stay
- ☐ Strike
- ☐ Supplement to Pending Motion
- ☐ Vacate or Modify
- ☐ Withdraw
- ☒ Other Motion to Set for Hearing
pursuant to Rule Rule (Subject to Filing Fee)

Check here if you have filed or are filing contemporaneously
with this motion an Affidavit of Substantial Hardship or if you
are filing on behalf of an agency or department of the State,
county, or municipal government. (Pursuant to §6-5-1 Code
of Alabama (1975), governmental entities are exempt from
prepayment of filing fees) ☐

Date:

4/19/2017 11:16:34 AM

Signature of Attorney or Party
/s/ JOHN FINLEY PORTER III

*This Cover Sheet must be completed and submitted to the Clerk of Court upon the filing of any motion. Each motion should contain a separate Cover Sheet.
**Motions titled 'Motion to Dismiss' that are not pursuant to Rule 12(b) and are in fact Motions for Summary Judgments are subject to filing fee.



ELECTRONICALLY FILED
4/19/2017 11:18 AM
39-CV-2016-900248.00
CIRCUIT COURT OF
JACKSON COUNTY, ALABAMA
DONNA BARKSDALE, CLERK

David Johnson Construction Co. Inc.,	)	IN THE
d/b/a Johnson Heating and Cooling)	
	)	CIRCUIT COURT OF
PLAINTIFF)	
v.	)	JACKSON COUNTY,
)	
Clearesult Consulting Inc.,	)	ALABAMA
d/b/a. CLEAResult;)	
A, B & C, being those firms, persons or	)	CIVIL ACTION NO.: CV-2016-900248
entities directing or having control over)	
the Quality Contractor Network of the)	
Tennessee Valley Authority in Jackson)	
County, Alabama)	
)	
DEFENDANTS)	

MOTION TO SET FOR HEARING

NOW COMES the Plaintiff in this cause and moves this Court to set the Plaintiff's Motion for Preliminary Injunction against Tennessee Valley Authority for hearing.

/s/ John F. Porter, III
JOHN F. PORTER, III
ASB No. POR006
Attorney for Plaintiff

OF COUNSEL:

The Porter Law Group, PC
123 East Laurel Street
Scottsboro, Alabama 35768
Telephone: (256) 574-5156
Facsimile: (256) 574-6552

CERTIFICATE OF SERVICE

I do hereby certify that a copy of the foregoing has been served upon the following party by depositing a copy of the same in the appropriate Courthouse Receptacle; in the U.S. Mail, postage prepaid and properly addressed; or via Electronic Mail; or if the party being served is a registered participant of the AlaFile System, service has been made by "Notice of Electronic Filing" on this 19th day of April, 2017:

Jordan D. Watson, Esq.
CARR ALLISON
100 Vestavia Parkway
Birmingham, AL 35216

Via Alafile Systems

Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, Tennessee 37902

Via U.S. Mail



ELECTRONICALLY FILED
4/19/2017 11:18 AM
39-CV-2016-900248.00
CIRCUIT COURT OF
JACKSON COUNTY, ALABAMA
DONNA BARKSDALE, CLERK

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON
CONSTRUCTION CO. INC. D/B/A
JOHNSON

Plaintiff,

V.

CLEARRESULT CONSULTING, INC.
D/B/A CLEARRESULT,
TENNESSEE VALLEY AUTHORITY,
Defendants.

Case No.: CV-2016-900248.00

ORDER

Upon motion of the Plaintiff, it is hereby Ordered that the Plaintiff's Motion for Preliminary Injunction against Tennessee Valley Authority be set for hearing before this Court on the ____ day of _____, 2017, at _____ o'clock ____m.

The Clerk is directed to have a copy of this Order served upon the parties in this cause.

DONE and ORDERED this ____ day of _____, 2017.

DONE this [To be filled by the Judge].

/s/[To be filled by the Judge]

CIRCUIT JUDGE



AlaFile E-Notice

39-CV-2016-900248.00

Judge: JOHN H GRAHAM

To: JOHN FINLEY PORTER III
johnf@johnporterlaw.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARRESULT CONSUL
39-CV-2016-900248.00

The following matter was FILED on 4/19/2017 11:18:06 AM

C001 DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON
MOTION TO SET FOR HEARING
[Filer: PORTER JOHN FINLEY III]

Notice Date: 4/19/2017 11:18:06 AM

DONNA BARKSDALE
CIRCUIT COURT CLERK
JACKSON COUNTY, ALABAMA
JACKSON CO COURTHOUSE, SUITE 307
102 EAST LAUREL STREET
SCOTTSBORO, AL, 35768

256-574-9320
Donna.Barksdale@alacourt.gov



AlaFile E-Notice

39-CV-2016-900248.00

Judge: JOHN H GRAHAM

To: TENNESSEE VALLEY AUTHORITY (PRO SE)
400 W. SUMMIT HILL DRIVE
KNOXVILLE, AL, 37902-0000

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARESLT CONSUL
39-CV-2016-900248.00

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JACKSON CO COURTHOUSE, SUITE 307
102 EAST LAUREL STREET
SCOTTSBORO, AL, 35768

256-574-9320
Donna.Barksdale@alacourt.gov



AlaFile E-Notice

39-CV-2016-900248.00

Judge: JOHN H GRAHAM

To: WATSON JORDAN DAVID
jwatson@carrallison.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARESLT CONSUL
39-CV-2016-900248.00

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102 EAST LAUREL STREET
SCOTTSBORO, AL, 35768

256-574-9320
Donna.Barksdale@alacourt.gov

State of Alabama
Unified Judicial System
Form C-13 (front) Rev. 6/07

ORDER TO APPEAR (SUBPOENA)

Case
CV-



ELECTRONICALLY FILED
4/19/2017 2:51 PM
39-CV-2016-900248.00
CIRCUIT COURT OF
JACKSON COUNTY, ALABAMA
DONNA BARKSDALE, CLERK

IN THE CIRCUIT COURT OF JACKSON, ALABAMA
(Circuit, District, or Municipal) (Name of County or Municipality)

☐ State of Alabama

☐ Municipality of _____

☒ DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARRESULT CONSUL

(For Juvenile cases only):

☐ In the Matter of _____, a child

ADAM HILL

THE PORTER LAW GROUP, PC
123 EAST LAUREL STREET
SCOTTSBORO, AL 35768

A. Issued at the request of :

1. ☐ Plaintiff/State

2. ☒ Defendant

3. ☐ Grand Jury

B. Special Instructions you are ordered to :

1. ☐ Appear at trial/hearing

2. ☐ Produce records or documents see attached schedule(s)

3. ☐ Appear at deposition

4. ☒ Other Evidentiary Hearing

You may contact: JORDAN DAVID WATSON 100 VESTAVIA PARKWAY BIRMINGHAM, AL 35216 (205) 822-2006

YOU ARE ORDERED TO APPEAR to give testimony before the court or by deposition; and/or produce and permit inspection and copying of books, documents, or tangible things; and /or permit inspection of premises as stated below until otherwise excused. Failure to obey this subpoena may be deemed a contempt of court from which the subpoena was issued.

DATE 05/08/2017 09:00 AM

ROOM Courtroom 2, Second Floor

ADDRESS JACKSON CO COURTHOUSE, SUITE 307

102 EAST LAUREL STREET

SCOTTSBORO, AL 35768

DATE ISSUED 4/19/2017

/s/ DONNA BARKSDALE

Signature of Court Clerk

Deputy Clerk Initials

ADDITIONAL INSTRUCTIONS

Any inspection or production of documents or records must be completed within 15 days

TO ANY SHERIFF OF THE STATE OF ALABAMA OR ANY AUTHORIZED PERSON You are ordered to serve this order on the above named person and make return to this court.

RETURN ON SERVICE

I Certify that I personally Delivered a copy of this order to

on

(For Criminal cases only)

☐ Served By Mail

Date Mailed

Signature and Title of Server

Sheriff

Deputy Sheriff

Form C-13 (back) Rev.1/96

ORDER TO APPEAR (SUBPOENA)

NOTICE

With respect to a subpoena which seeks only a production of documents or tangible things or an inspection of premises, as provided in Ala. R.Civ.P. 45(a)(3)(C), the production documents or tangible things or the inspection of premises pursuant to this subpoena shall take place where the documents or tangible things are regularly kept or at some other reasonable place designated by the recipient of this subpoena. As recipient of this subpoena, you have the option to deliver or mail legible copies of the documents or things to the party causing issuance of this subpoena, and the preparation of copies may be conditioned on the payment in advance of the reasonable cost of making such copies. Other parties involved in this lawsuit have the right to be present at the time of the production or inspection. The recipient of this subpoena has the right to object to the production or inspection at any time prior to the date of production or inspection set forth in this subpoena. See Ala. R.Civ.P. 45(c)(2)(B), which is set out below.

Rule 4 5, Ala. R.Civ.P., Paragraphs (c) & (d)

(c) Protection of person subject to subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court from which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, document or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying at any time before the time specified for compliance may serve upon the party or attorney designed in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. "Serve" as used herein means mailing to the party or attorney. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expenses resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a resident of this state who is not a party or an officer of a party to travel to a place more than one hundred (100) miles from the place where that person resides, is employed or regularly transacts business in person, or requires a nonresident of this state who is not a party or an officer of a party to travel to a place within this state more than one hundred (100) miles from the place of service or, where separate from the place of service, more than one hundred (100) miles from the place where that person is employed or regularly transacts business in person, except that, subject to the provision of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expenses to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in responding to subpoena.

(1) A Person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.



AlaFile E-Notice

39-CV-2016-900248.00

To: JORDAN DAVID WATSON
jwatson@carrallison.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARRESULT CONSUL
39-CV-2016-900248.00

The following subpoena was FILED on 4/19/2017 2:50:45 PM

Notice Date: 4/19/2017 2:50:45 PM

DONNA BARKSDALE
CIRCUIT COURT CLERK
JACKSON COUNTY, ALABAMA
JACKSON CO COURTHOUSE, SUITE 307
102 EAST LAUREL STREET
SCOTTSBORO, AL, 35768

256-574-9320
Donna.Barksdale@alacourt.gov



AlaFile E-Notice

39-CV-2016-900248.00

To: TENNESSEE VALLEY AUTHORITY (PRO SE)
400 W. SUMMIT HILL DRIVE
KNOXVILLE, AL, 37902-0000

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARRESULT CONSUL
39-CV-2016-900248.00

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256-574-9320
Donna.Barksdale@alacourt.gov



AlaFile E-Notice

39-CV-2016-900248.00

To: PORTER JOHN FINLEY III
johnf@johnporterlaw.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARRESULT CONSUL
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102 EAST LAUREL STREET
SCOTTSBORO, AL, 35768

256-574-9320
Donna.Barksdale@alacourt.gov

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Tennessee
Valley Auth.
4000 W. Summit Hill
Dunwoody, TN 37902
C/Vic-900248 d002



9590 9402 2653 6336 2233 95

2. Article Number (transfer from service label)

7016 0910 0001 6739 7171

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X R Smith

☒ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

R D Smith 4/17/17

D. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below: ☐ No

3. Service Type

☐ Adult Signature

☐ Adult Signature Restricted Delivery

☒ Certified Mail®

☐ Certified Mail Restricted Delivery

☐ Collect on Delivery

☐ Collect on Delivery Restricted Delivery

☐ Insured Mail

☐ Insured Mail Restricted Delivery over \$500

☐ Priority Mail Express®

☐ Registered Mail™

☐ Registered Mail Restricted Delivery

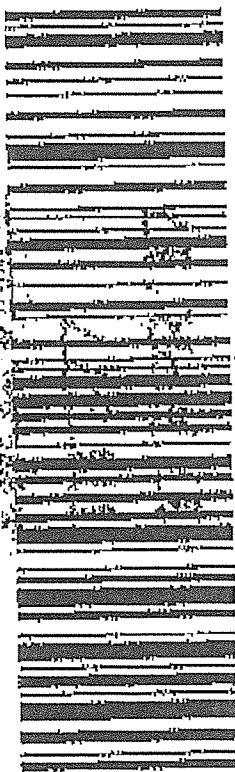
☒ Return Receipt for Merchandise

☐ Signature Confirmation™

☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

USPS TRACKING #



9590 9402 2653 6336 2233 95

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

United States
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box.®

Circuit Clerk, Jackson County
Courthouse
102 East Laurel Street
Scottsboro, AL 35768

Postage & Fees Paid
Permit No. G-10
USPS
First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

9590 9402 2653 6336 2233 95



AlaFile E-Notice

39-CV-2016-900248.00

Judge: JOHN H GRAHAM

To: PORTER JOHN FINLEY III
johnf@johnporterlaw.com

NOTICE OF SERVICE

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARRESULT CONSUL
39-CV-2016-900248.00

The following matter was served on 4/17/2017

D002 TENNESSEE VALLEY AUTHORITY

Corresponding To

CERTIFIED MAIL

DONNA BARKSDALE
CIRCUIT COURT CLERK
JACKSON COUNTY, ALABAMA
JACKSON CO COURTHOUSE, SUITE 307
102 EAST LAUREL STREET
SCOTTSBORO, AL, 35768

256-574-9320
Donna.Barksdale@alacourt.gov

State of Alabama
Unified Judicial System
Form C-13 (front) Rev. 6/07

ORDER TO APPEAR (SUBPOENA)

Case
CV-



ELECTRONICALLY FILED
4/19/2017 2:56 PM
39-CV-2016-900248.00
CIRCUIT COURT OF
JACKSON COUNTY, ALABAMA
DONNA BARKSDALE, CLERK

IN THE CIRCUIT COURT OF JACKSON, ALABAMA
(Circuit, District, or Municipal) (Name of County or Municipality)

☐ State of Alabama

☐ Municipality of

☒ DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARRESULT CONSUL

(For Juvenile cases only):

☐ In the Matter of, a child

DAVID JOHNSON

THE PORTER LAW GROUP, PC
123 EAST LAUREL STREET
SCOTTSBORO, AL 35768

A. Issued at the request of :

1. ☐ Plaintiff/State

2. ☒ Defendant

3. ☐ Grand Jury

B. Special Instructions you are ordered to :

1. ☐ Appear at trial/hearing

2. ☐ Produce records or documents see attached schedule(s)

3. ☐ Appear at deposition

4. ☒ Other Evidentiary Hearing

You may contact: JORDAN DAVID WATSON 100 VESTAVIA PARKWAY BIRMINGHAM, AL 35216 (205) 822-2006

YOU ARE ORDERED TO APPEAR to give testimony before the court or by deposition; and/or produce and permit inspection and copying of books, documents, or tangible things; and /or permit inspection of premises as stated below until otherwise excused. Failure to obey this subpoena may be deemed a contempt of court from which the subpoena was issued.

DATE 05/08/2017 09:00 AM

ROOM Courtroom 2, Second Floor

ADDRESS JACKSON CO COURTHOUSE, SUITE 307

102 EAST LAUREL STREET

SCOTTSBORO, AL 35768

DATE ISSUED 4/19/2017

/s/ DONNA BARKSDALE

Signature of Court Clerk

Deputy Clerk Initials

ADDITIONAL INSTRUCTIONS

Any inspection or production of documents or records must be completed within 15 days

TO ANY SHERIFF OF THE STATE OF ALABAMA OR ANY AUTHORIZED PERSON You are ordered to serve this order on the above named person and make return to this court.

RETURN ON SERVICE

I Certify that I personally Delivered a copy of this order to

on

(For Criminal cases only)

☐ Served By Mail

Date Mailed

Signature and Title of Server

Sheriff

Deputy Sheriff

Form C-13 (back) Rev.1/96

ORDER TO APPEAR (SUBPOENA)

NOTICE

With respect to a subpoena which seeks only a production of documents or tangible things or an inspection of premises, as provided in Ala. R.Civ.P. 45(a)(3)(C), the production documents or tangible things or the inspection of premises pursuant to this subpoena shall take place where the documents or tangible things are regularly kept or at some other reasonable place designated by the recipient of this subpoena. As recipient of this subpoena, you have the option to deliver or mail legible copies of the documents or things to the party causing issuance of this subpoena, and the preparation of copies may be conditioned on the payment in advance of the reasonable cost of making such copies. Other parties involved in this lawsuit have the right to be present at the time of the production or inspection. The recipient of this subpoena has the right to object to the production or inspection at any time prior to the date of production or inspection set forth in this subpoena. See Ala. R.Civ.P. 45(c)(2)(B), which is set out below.

Rule 4 5, Ala. R.Civ.P., Paragraphs (c) & (d)

(c) Protection of person subject to subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court from which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty on appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, document or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying at any time before the time specified for compliance may serve upon the party or attorney designed in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. "Serve" as used herein means mailing to the party or attorney. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expenses resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a resident of this state who is not a party or an officer of a party to travel to a place more than one hundred (100) miles from the place where that person resides, is employed or regularly transacts business in person, or requires a nonresident of this state who is not a party or an officer of a party to travel to a place within this state more than one hundred (100) miles from the place of service or, where separate from the place of service, more than one hundred (100) miles from the place where that person is employed or regularly transacts business in person, except that, subject to the provision of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expenses to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

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AlaFile E-Notice

39-CV-2016-900248.00

To: JORDAN DAVID WATSON
jwatson@carrallison.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARRESULT CONSUL
39-CV-2016-900248.00

The following subpoena was FILED on 4/19/2017 2:55:53 PM

Notice Date: 4/19/2017 2:55:53 PM

DONNA BARKSDALE
CIRCUIT COURT CLERK
JACKSON COUNTY, ALABAMA
JACKSON CO COURTHOUSE, SUITE 307
102 EAST LAUREL STREET
SCOTTSBORO, AL, 35768

256-574-9320
Donna.Barksdale@alacourt.gov



AlaFile E-Notice

39-CV-2016-900248.00

To: DAVID JOHNSON
THE PORTER LAW GROUP, PC
123 EAST LAUREL STREET
SCOTTSBORO, AL, 35768

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Donna.Barksdale@alacourt.gov



AlaFile E-Notice

39-CV-2016-900248.00

To: TENNESSEE VALLEY AUTHORITY (PRO SE)
400 W. SUMMIT HILL DRIVE
KNOXVILLE, AL, 37902-0000

NOTICE OF ELECTRONIC FILING

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256-574-9320
Donna.Barksdale@alacourt.gov



AlaFile E-Notice

39-CV-2016-900248.00

To: PORTER JOHN FINLEY III
johnf@johnporterlaw.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARRESULT CONSUL
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SCOTTSBORO, AL, 35768

256-574-9320
Donna.Barksdale@alacourt.gov

State of Alabama
Unified Judicial System
Form C-13 (front) Rev. 6/07

ORDER TO APPEAR (SUBPOENA)

Case
CV-



ELECTRONICALLY FILED
4/19/2017 3:01 PM
39-CV-2016-900248.00
CIRCUIT COURT OF
JACKSON COUNTY, ALABAMA
DONNA BARKSDALE, CLERK

IN THE CIRCUIT COURT OF JACKSON, ALABAMA
(Circuit, District, or Municipal) (Name of County or Municipality)

☐ State of Alabama

☐ Municipality of _____

☒ DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARRESULT CONSUL

(For Juvenile cases only):

☐ In the Matter of _____, a child

TINA JOHNSON

THE PORTER LAW GROUP, PC
123 EAST LAUREL STREET
SCOTTSBORO, AL 35768

A. Issued at the request of :

1. ☐ Plaintiff/State
2. ☒ Defendant
3. ☐ Grand Jury

B. Special Instructions you are ordered to :

1. ☐ Appear at trial/hearing
2. ☐ Produce records or documents see attached schedule(s)
3. ☐ Appear at deposition
4. ☒ Other Evidentiary Hearing

You may contact: JORDAN DAVID WATSON 100 VESTAVIA PARKWAY BIRMINGHAM, AL 35216 (205) 822-2006

YOU ARE ORDERED TO APPEAR to give testimony before the court or by deposition; and/or produce and permit inspection and copying of books, documents, or tangible things; and /or permit inspection of premises as stated below until otherwise excused. Failure to obey this subpoena may be deemed a contempt of court from which the subpoena was issued.

DATE 05/08/2017 09:00 AM

ROOM Courtroom 2, Second Floor

ADDRESS JACKSON CO COURTHOUSE, SUITE 307

102 EAST LAUREL STREET

SCOTTSBORO, AL 35768

DATE ISSUED 4/19/2017

/s/ DONNA BARKSDALE

Signature of Court Clerk

Deputy Clerk Initials

ADDITIONAL INSTRUCTIONS

Any inspection or production of documents or records must be completed within 15 days

TO ANY SHERIFF OF THE STATE OF ALABAMA OR ANY AUTHORIZED PERSON You are ordered to serve this order on the above named person and make return to this court.

RETURN ON SERVICE

I Certify that I personally Delivered a copy of this order to

on

(For Criminal cases only)

☐ Served By Mail

Date Mailed

Signature and Title of Server

Sheriff

Deputy Sheriff

Form C-13 (back) Rev. 1/96

ORDER TO APPEAR (SUBPOENA)

NOTICE

With respect to a subpoena which seeks only a production of documents or tangible things or an inspection of premises, as provided in Ala. R.Civ.P. 45(a)(3)(C), the production documents or tangible things or the inspection of premises pursuant to this subpoena shall take place where the documents or tangible things are regularly kept or at some other reasonable place designated by the recipient of this subpoena. As recipient of this subpoena, you have the option to deliver or mail legible copies of the documents or things to the party causing issuance of this subpoena, and the preparation of copies may be conditioned on the payment in advance of the reasonable cost of making such copies. Other parties involved in this lawsuit have the right to be present at the time of the production or inspection. The recipient of this subpoena has the right to object to the production or inspection at any time prior to the date of production or inspection set forth in this subpoena. See Ala. R.Civ.P. 45(c)(2)(B), which is set out below.

Rule 4 5, Ala. R.Civ.P., Paragraphs (c) & (d)

(c) Protection of person subject to subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court from which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, document or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying at any time before the time specified for compliance may serve upon the party or attorney designed in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. "Serve" as used herein means mailing to the party or attorney. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expenses resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a resident of this state who is not a party or an officer of a party to travel to a place more than one hundred (100) miles from the place where that person resides, is employed or regularly transacts business in person, or requires a nonresident of this state who is not a party or an officer of a party to travel to a place within this state more than one hundred (100) miles from the place of service or, where separate from the place of service, more than one hundred (100) miles from the place where that person is employed or regularly transacts business in person, except that, subject to the provision of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expenses to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in responding to subpoena.

(1) A Person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.



AlaFile E-Notice

39-CV-2016-900248.00

To: JORDAN DAVID WATSON
jwatson@carrallison.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARESLT CONSUL
39-CV-2016-900248.00

The following subpoena was FILED on 4/19/2017 3:01:03 PM

Notice Date: 4/19/2017 3:01:03 PM

DONNA BARKSDALE
CIRCUIT COURT CLERK
JACKSON COUNTY, ALABAMA
JACKSON CO COURTHOUSE, SUITE 307
102 EAST LAUREL STREET
SCOTTSBORO, AL, 35768

256-574-9320
Donna.Barksdale@alacourt.gov



AlaFile E-Notice

39-CV-2016-900248.00

To: TINA JOHNSON
THE PORTER LAW GROUP, PC
123 EAST LAUREL STREET
SCOTTSBORO, AL, 35768

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARRESULT CONSUL
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SCOTTSBORO, AL, 35768

256-574-9320
Donna.Barksdale@alacourt.gov



AlaFile E-Notice

39-CV-2016-900248.00

To: TENNESSEE VALLEY AUTHORITY (PRO SE)
400 W. SUMMIT HILL DRIVE
KNOXVILLE, AL, 37902-0000

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

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256-574-9320
Donna.Barksdale@alacourt.gov



AlaFile E-Notice

39-CV-2016-900248.00

To: PORTER JOHN FINLEY III
johnf@johnporterlaw.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA


DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARRESULT CONSUL
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SCOTTSBORO, AL, 35768

256-574-9320
Donna.Barksdale@alacourt.gov

STATE OF ALABAMA Unified Judicial System 39-JACKSON		Revised 3/5/08 <input type="checkbox"/> District Court <input checked="" type="checkbox"/> Circuit Court	Cas CV21	 ELECTRONICALLY FILED 4/21/2017 11:45 AM 39-CV-2016-900248.00 CIRCUIT COURT OF JACKSON COUNTY, ALABAMA DONNA BARKSDALE, CLERK
DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARRESULT CONSUL		CIVIL MOTION COVER SHEET <i>Name of Filing Party:</i> C001 - DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON		
<i>Name, Address, and Telephone No. of Attorney or Party. If Not Represented.</i> JOHN FINLEY PORTER III 123 EAST LAUREL STREET SCOTTSBORO, AL 35768 Attorney Bar No.: POR006		<input type="checkbox"/> Oral Arguments Requested		
TYPE OF MOTION				
Motions Requiring Fee		Motions Not Requiring Fee		
<input type="checkbox"/> Default Judgment (\$50.00) Joinder in Other Party's Dispositive Motion <input type="checkbox"/> (i.e. Summary Judgment, Judgment on the Pleadings, or other Dispositive Motion not pursuant to Rule 12(b)) (\$50.00) <input type="checkbox"/> Judgment on the Pleadings (\$50.00) <input type="checkbox"/> Motion to Dismiss, or in the Alternative Summary Judgment (\$50.00) Renewed Dispositive Motion (Summary <input type="checkbox"/> Judgment, Judgment on the Pleadings, or other Dispositive Motion not pursuant to Rule 12(b)) (\$50.00) <input type="checkbox"/> Summary Judgment pursuant to Rule 56 (\$50.00) <input type="checkbox"/> Motion to Intervene (\$297.00) <input type="checkbox"/> Other _____ pursuant to Rule _____ (\$50.00) *Motion fees are enumerated in §12-19-71(a). Fees pursuant to Local Act are not included. Please contact the Clerk of the Court regarding applicable local fees. <input type="checkbox"/> Local Court Costs \$ 0 _____		<input type="checkbox"/> Add Party <input type="checkbox"/> Amend <input type="checkbox"/> Change of Venue/Transfer <input checked="" type="checkbox"/> Compel <input type="checkbox"/> Consolidation <input type="checkbox"/> Continue <input type="checkbox"/> Deposition <input type="checkbox"/> Designate a Mediator <input type="checkbox"/> Judgment as a Matter of Law (during Trial) <input type="checkbox"/> Disburse Funds <input type="checkbox"/> Extension of Time <input type="checkbox"/> In Limine <input type="checkbox"/> Joinder <input type="checkbox"/> More Definite Statement <input type="checkbox"/> Motion to Dismiss pursuant to Rule 12(b) <input type="checkbox"/> New Trial <input type="checkbox"/> Objection of Exemptions Claimed <input type="checkbox"/> Pendente Lite <input type="checkbox"/> Plaintiff's Motion to Dismiss <input type="checkbox"/> Preliminary Injunction <input type="checkbox"/> Protective Order <input type="checkbox"/> Quash <input type="checkbox"/> Release from Stay of Execution <input type="checkbox"/> Sanctions <input type="checkbox"/> Sever <input type="checkbox"/> Special Practice in Alabama <input type="checkbox"/> Stay <input type="checkbox"/> Strike <input type="checkbox"/> Supplement to Pending Motion <input type="checkbox"/> Vacate or Modify <input type="checkbox"/> Withdraw <input type="checkbox"/> Other _____ pursuant to Rule _____ (Subject to Filing Fee)		
Check here if you have filed or are filing contemporaneously with this motion an Affidavit of Substantial Hardship or if you are filing on behalf of an agency or department of the State, county, or municipal government. (Pursuant to §6-5-1 Code of Alabama (1975), governmental entities are exempt from prepayment of filing fees) <input type="checkbox"/>		Date: 4/21/2017 11:32:59 AM		Signature of Attorney or Party /s/ JOHN FINLEY PORTER III

*This Cover Sheet must be completed and submitted to the Clerk of Court upon the filing of any motion. Each motion should contain a separate Cover Sheet.
 **Motions titled 'Motion to Dismiss' that are not pursuant to Rule 12(b) and are in fact Motions for Summary Judgments are subject to filing fee.



ELECTRONICALLY FILED
4/21/2017 11:45 AM
39-CV-2016-900248.00
CIRCUIT COURT OF
JACKSON COUNTY, ALABAMA
DONNA BARKSDALE, CLERK

David Johnson Construction Co. Inc.,	)	IN THE
d/b/a Johnson Heating and Cooling)	
	)	CIRCUIT COURT OF
PLAINTIFF)	
v.	)	JACKSON COUNTY,
)	
Clearesult Consulting Inc.,	)	ALABAMA
d/b/a. CLEAResult;)	
A, B & C, being those firms, persons or	)	CIVIL ACTION NO.: CV-2016-900248
entities directing or having control over)	
the Quality Contractor Network of the)	
Tennessee Valley Authority in Jackson)	
County, Alabama)	
)	
DEFENDANTS)	

MOTION TO COMPEL

NOW COMES the Plaintiff in this matter and does hereby move this Court to compel the Defendant Clearesult Consulting, Inc. to respond to the discovery previously propounded. A copy of the Request for Production propounded on April 3, 2017 is attached hereto along with the Defendant's Objections. The Defendant has objected to each and every Request that was made. The parties have attempted to resolve the matter by informal means but have been unsuccessful, as of this date.

/s/ John F. Porter, III

JOHN F. PORTER, III
ASB No. POR006
Attorney for Plaintiff

OF COUNSEL:

The Porter Law Group, PC
123 East Laurel Street
Scottsboro, Alabama 35768
Telephone: (256) 574-5156
Facsimile: (256) 574-6552

CERTIFICATE OF SERVICE

I do hereby certify that a copy of the foregoing has been served upon the following party by depositing a copy of the same in the appropriate Courthouse Receptacle; in the U.S. Mail, postage prepaid and properly addressed; or via Electronic Mail; or if the party being served is a registered participant of the AlaFile System, service has been made by "Notice of Electronic Filing" on this 21st day of April, 2017:

Jordan D. Watson, Esq.
CARR ALLISON
100 Vestavia Parkway
Birmingham, AL 35216

Via Alafile Systems



ELECTRONICALLY FILED
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CIRCUIT COURT OF
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DONNA BARKSDALE, CLERK

David Johnson Construction Co. Inc.,)	IN THE
d/b/a Johnson Heating and Cooling)	
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entities directing or having control over)	
the Quality Contractor Network of the)	
Tennessee Valley Authority in Jackson)	
County, Alabama)	
)	
DEFENDANTS)	

PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS
TO DEFENDANT CLEAResult CONSULTING INC.

You are requested to produce for inspection and copying pursuant to Rule 34 of the Alabama Rules of Civil Procedure within **thirty (30) days** at 123 East Laurel Street, Scottsboro, Alabama 35768, the following documents in your possession, custody or control.

Definitions

As used herein the term "document" means without limitation the following items whether printed, recorded or reproduced by any other mechanical means or process or written or produced by hand: agreements; contracts; orders; purchase orders; communications; correspondence; letters; telegrams; tape recordings; memoranda; summaries, notes or other recordings of telephone conversations, personal conversations or meetings; corporate charters, by-laws, minutes or other documents of any description evidencing action taken by a corporate entity; deeds, leases, mortgages, security agreements or legal documents of any kind and description; agenda of meetings; notices, records and interoffice memoranda; personal memoranda; photographs; photographic slides; motion pictures; films; charts; graphs; diagrams; drawings; bookkeeping entries; bills; invoices; orders; receipts; canceled checks; vouchers; ledger sheets; computer print-outs; reports; statements of witnesses; findings of investigation; files; records of negotiation; reports of experts; reports of consultants; papers; books; records; objects; summaries; videotapes; maps; posters; pamphlets; fliers; and any and every other written, graphic, mechanical or tangible means by which human intelligence is in any way transmitted, reported, recorded or preserved, including but not being limited to any information

contained in any computer although not yet printed out on the memory units containing such data from which information can be obtained or translated into reasonably usable form.

The term "person" means any person, firm, corporation, partnership, joint venture, governmental unit or agency thereof, or any judicial person or any other legal entity.

The word "communication" means any written or oral contact or communication or document relating thereto between two or more persons or companies and shall include without limitations written contact by such means as letters, memoranda, telegrams, telex or by any document and oral contact by such means as face-to-face meetings and telephone conversations.

Unless otherwise specified, as used herein, the words "meeting" and "meetings" mean any coincidence of presence of two or more persons between or among whom some communication occurs whether or not such coincidence of presence was by chance or pre-arranged, formal or informal or in connection with some other activity.

Instructions

IF YOU OBJECT to furnishing any document on the basis of attorney-client privilege or any other basis, please identify the document by the date it bears, or if none, under the date it was written; by the name and address on it; by the name and address of each person to whom it was addressed and each person to whom a copy was identified as being directed; by the name and address of each person who received a copy of the document; by description of the document, as for instance, a letter memorandum; by its present location or custodian; or if unknown, its last known location or custodian; and by the present location and custodian of each copy; or if unknown, its last known location or custodian.

IF ANY REQUESTED DOCUMENTS OR THINGS CANNOT BE PRODUCED IN FULL, produce to the extent possible, specifying each reason for your inability to produce the remainder and stating whatever information, knowledge or belief you do have concerning the produced portion.

IF ANY DOCUMENT requested was in the Defendant's possession or control, but IS NO LONGER IN THE DEFENDANT'S POSSESSION or subject to Defendant's control, state what disposition was made of it, the reason for such disposition and the date thereof.

IN PRODUCING DOCUMENTS and things pursuant to this request, furnish all documents or things known or available to you regardless of whether such documents or things are possessed directly by you or your agents, employees, representatives or investigators or by your attorneys, their agents, employees, representatives or investigators.

IF ANY DOCUMENTS or things requested were at one time in existence but are no longer in existence, then so state, specifying for each document or thing:

- (a) The type of document or thing;
- (b) The types of information contained thereon;
- (c) The date upon which it ceased to exist;
- (d) The circumstances under which it ceased to exist;
- (e) The identity of all persons having knowledge of the circumstances under which it ceased to exist; and
- (f) The identity of all persons having knowledge or who had knowledge of the contents thereof.

You are requested to PRODUCE ALL ORIGINAL DOCUMENTS; and all other copies not absolutely identical to the originals. In addition you are requested to produce all drafts and notes (whether typed, handwritten or otherwise) made or prepared in connection with such documents, whether used or not.

THIS REQUEST FOR PRODUCTION IS DEEMED TO BE CONTINUING. If, after producing documents and things, you obtain or become aware of any further documents, things or information responsive to this request for production of documents, you are required to produce to Plaintiff such additional documents and things and/or provide Plaintiff with such additional information.

REQUEST FOR PRODUCTION:

The Defendant Clearesult Consult Inc. is requested to produce:

- 1) The Contract between TVA and Clearesult and all renewals or revisions thereof regarding or related to the administration of the eScore Energyright Solutions Program.
- 2) All guidelines, handbook, references or other documentation directing the actions of Clearesult as the administrator of the eScore Energyright Solutions Program.
- 3) All guidelines, handbook, references or other documentation directing the actions of Clearesult as the administrator of the e-Score Quality Contractor Network.
- 4) All documents of every kind and nature whatsoever granting or related to the authority or responsibilities of Clearesult as administrator or manager of the eScore Energyright Solutions Program and the e-Score Quality Contractor Network.

5) All documents of every kind and nature whatsoever establishing or determining the pay rate or compensation of Clearesult as administrator of the eScore Energyright Solutions Program and the e-Score Quality Contractor Network.

7) All documents of every kind and nature whatsoever reflecting the requirements, certification or qualifications of Clearesult to be appointed as the administrator or manager of the Energy Right Program and Quality Contractor Network.

8) All documents of every kind and nature whatsoever regarding any complaints received from any source either made to Clearesult, Tennessee Valley Authority, Energy Solutions or any other entity regarding Johnson Heating and Cooling for the past 60 months.

9) All memorandums, emails, text messages, letters, notes, audio files or any other documents between any agent or employee of Clearesult and TVA, Energy Solutions, North Alabama Electric Coop, Johnson Heating and Cooling or any other person or entity regarding or related to any complaints about Johnson Heating and Cooling for the past 60 months.

10) All documents of every kind and nature whatsoever regarding or related to the factual basis of the letter from Clearesult to Johnson Heating and Cooling dated November 21, 2016 removing Johnson Heating and Cooling from the e-Score Quality Contractor Network.

11) All documents of every kind and nature whatsoever regarding or related to the allegation that Johnson Heating and Cooling or any of its agents or employees had engaged in unacceptable behavior, including but not limited to intimidation, harassment, retaliation, bribery or attempted bribery.

12) All documents of every kind and nature whatsoever regarding or related to the allegation that Johnson Heating and Cooling or any of its agents or employees had engaged in unacceptable behavior, causing or allowing misrepresentation, including but not limited to providing materially false information to TVA, TVA's Residential Program Administrator and a participant.

13) All documents of every kind and nature whatsoever regarding or related to the allegation that Johnson Heating and Cooling or any of its agents or employees had engaged in unacceptable behavior, including but not limited to action negatively impacting the program and that results in a negative perception of the program.

/s/ John F. Porter, III
JOHN F. PORTER, III
ASB No. POR006
Attorney for Plaintiff

OF COUNSEL:

The Porter Law Group, PC
123 East Laurel Street
Scottsboro, Alabama 35768
Telephone: (256) 574-5156
Facsimile: (256) 574-6552
Facsimile: (256) 574-6552

CERTIFICATE OF SERVICE

I do hereby certify that a copy of the foregoing has been served upon the following party by depositing a copy of the same in the appropriate Courthouse Receptacle; in the U.S. Mail, postage prepaid and properly addressed; or via Electronic Mail; or if the party being served is a registered participant of the AlaFile System, service has been made by "Notice of Electronic Filing" on this 3rd day of April, 2017:

Jordan D. Watson, Esq.
CARR ALLISON
100 Vestavia Parkway
Birmingham, AL 35216

Via Alafile Systems



ELECTRONICALLY FILED
4/3/2017 4:55 PM
39-CV-2016-900248.00
CIRCUIT COURT OF
JACKSON COUNTY, ALABAMA
DONNA BARKSDALE, CLERK

David Johnson Construction Co. Inc.,	)	IN THE
d/b/a Johnson Heating and Cooling)	
	)	CIRCUIT COURT OF
PLAINTIFF)	
v.	)	JACKSON COUNTY,
)	
Clearesult Consulting Inc.,	)	ALABAMA
d/b/a. CLEAResult;)	
A, B & C, being those firms, persons or	)	CIVIL ACTION NO.: CV-2016-900248
entities directing or having control over)	
the Quality Contractor Network of the)	
Tennessee Valley Authority in Jackson)	
County, Alabama)	
)	
DEFENDANTS)	

NOTICE OF TAKING DEPOSITION UNDER RULE 30(B)(6)

To: **Clearesult Consulting, Inc.**
828 Royal Parkway, Suite 100
Nashville, Tennessee 37214-3755

Please take notice that the Plaintiff will take the deposition of **Clearesult Consulting, Inc.** pursuant to Rule 30(b)(6) of the Alabama Rules of Civil Procedure at the time and place designated below, before a court reporter or some other person authorized by law to take depositions, through one or more officers, directors, or managing agents, or other persons who consent to testify on behalf of **Clearesult Consulting, Inc.** to all matters of every kind and nature whatsoever regarding or related to the claims set out in the plaintiff's Complaint, the responsive pleadings filed by the Defendants.

DEPOSITION OF:	Clearesult Consulting, Inc.
PLACE:	The Porter Law Group, PC 123 East Laurel Street Scottsboro, Alabama 35768
DATE:	To be Determined by Agreement of Counsels
TIME:	To be Determined by Agreement of Counsels
COURT REPORTER:	To be determined

This oral examination will continue from day to day until completed. You are invited to attend and cross-examine. **At the time of the taking of the Deposition, Clearesult Consulting, Inc. is requested to produce the following documents:**

- 1) The Contract between TVA and Clearesult and all renewals or revisions thereof regarding or related to the administration of the eScore Energyright Solutions Program.
- 2) All guidelines, handbook, references or other documentation directing the actions of Clearesult as the administrator of the eScore Energyright Solutions Program.
- 3) All guidelines, handbook, references or other documentation directing the actions of Clearesult as the administrator of the e-Score Quality Contractor Network.
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- 5) All documents of every kind and nature whatsoever establishing or determining the pay rate or compensation of Clearesult as administrator of the eScore Energyright Solutions Program and the e-Score Quality Contractor Network.
- 7) All documents of every kind and nature whatsoever reflecting the requirements, certification or qualifications of Clearesult to be appointed as the administrator or manager of the Energy Right Program and Quality Contractor Network.
- 8) All documents of every kind and nature whatsoever regarding any complaints received from any source either made to Clearesult, Tennessee Valley Authority, Energy Solutions or any other entity regarding Johnson Heating and Cooling for the past 60 months.
- 9) All memorandums, emails, text messages, letters, notes, audio files or any other documents between any agent or employee of Clearesult and TVA, Energy Solutions, North Alabama Electric Coop, Johnson Heating and Cooling or any other person or entity regarding or related to any complaints about Johnson Heating and Cooling for the past 60 months.
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- 11) All documents of every kind and nature whatsoever regarding or related to the allegation that Johnson Heating and Cooling or any of its agents or employees had engaged in unacceptable behavior, including but not limited to intimidation, harassment, retaliation, bribery or attempted bribery.
- 12) All documents of every kind and nature whatsoever regarding or related to the allegation that Johnson Heating and Cooling or any of its agents or employees had engaged in

unacceptable behavior, causing or allowing misrepresentation, including but not limited to providing materially false information to TVA, TVA's Residential Program Administrator and a participant.

13) All documents of every kind and nature whatsoever regarding or related to the allegation that Johnson Heating and Cooling or any of its agents or employees had engaged in unacceptable behavior, including but not limited to action negatively impacting the program and that results in a negative perception of the program.

/s/ John F. Porter, III
JOHN F. PORTER, III
ASB No. POR006
Attorney for Plaintiff

OF COUNSEL:

The Porter Law Group, PC
123 East Laurel Street
Scottsboro, Alabama 35768
Telephone: (256) 574-5156
Facsimile: (256) 574-6552

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Jordan D. Watson, Esq.
CARR ALLISON
100 Vestavia Parkway
Birmingham, AL 35216

Via Alafile Systems



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David Johnson Construction Co. Inc.,)	IN THE
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)	CIRCUIT COURT OF
PLAINTIFF)	
v.)	JACKSON COUNTY,
)	
Clearesult Consulting Inc.,)	ALABAMA
d/b/a. CLEAResult;)	
A, B & C, being those firms, persons or	)	CIVIL ACTION NO.: CV-2016-900248
entities directing or having control over)	
the Quality Contractor Network of the)	
Tennessee Valley Authority in Jackson)	
County, Alabama)	
)	
DEFENDANTS)	

NOTICE OF TAKING DEPOSITION

To: **Aaron Catron, Contractor Network Manager**
Clearesult Consulting, Inc.
828 Royal Parkway, Suite 100
Nashville TN 37214-3755

Please take notice that the Plaintiff will take the deposition of the person named below, pursuant to the rules of discovery and the taking of depositions as provided in Rule 30 of the Alabama Rules of Civil Procedure at the time and place designated below, before a court reporter or some other person authorized by law to take depositions.

DEPOSITION OF:	Aaron Catron, Contractor Network Manager.
PLACE:	The Porter Law Group, PC 123 East Laurel Street Scottsboro, Alabama 35768
DATE:	To be Determined by Agreement of Counsels
TIME:	To be Determined by Agreement of Counsels
COURT REPORTER:	To be determined

This oral examination will continue from day to day until completed. You are invited to attend and cross-examine. At the time of the taking of the Deposition, Aaron Catron is requested to produce the following documents:

- 1) The Contract between TVA and Clearesult and all renewals or revisions thereof regarding or related to the administration of the eScore Energyright Solutions Program.
- 2) All guidelines, handbook, references or other documentation directing the actions of Clearesult as the administrator of the eScore Energyright Solutions Program.
- 3) All guidelines, handbook, references or other documentation directing the actions of Clearesult as the administrator of the e-Score Quality Contractor Network.
- 4) All documents of every kind and nature whatsoever granting or related to the authority or responsibilities of Clearesult as administrator or manager of the eScore Energyright Solutions Program and the e-Score Quality Contractor Network.
- 5) All documents of every kind and nature whatsoever establishing or determining the pay rate or compensation of Clearesult as administrator of the eScore Energyright Solutions Program and the e-Score Quality Contractor Network.
- 7) All documents of every kind and nature whatsoever reflecting the requirements, certification or qualifications of Clearesult to be appointed as the administrator or manager of the Energy Right Program and Quality Contractor Network.
- 8) All documents of every kind and nature whatsoever regarding any complaints received from any source either made to Clearesult, Tennessee Valley Authority, Energy Solutions or any other entity regarding Johnson Heating and Cooling for the past 60 months.
- 9) All memorandums, emails, text messages, letters, notes, audio files or any other documents between any agent or employee of Clearesult and TVA, Energy Solutions, North Alabama Electric Coop, Johnson Heating and Cooling or any other person or entity regarding or related to any complaints about Johnson Heating and Cooling for the past 60 months.
- 10) All documents of every kind and nature whatsoever regarding or related to the factual basis of the letter from Clearesult to Johnson Heating and Cooling dated November 21, 2016 removing Johnson Heating and Cooling from the e-Score Quality Contractor Network.
- 11) All documents of every kind and nature whatsoever regarding or related to the allegation that Johnson Heating and Cooling or any of its agents or employees had engaged in unacceptable behavior, including but not limited to intimidation, harassment, retaliation, bribery or attempted bribery.
- 12) All documents of every kind and nature whatsoever regarding or related to the allegation that Johnson Heating and Cooling or any of its agents or employees had engaged in unacceptable behavior, causing or allowing misrepresentation, including but not limited to providing materially false information to TVA, TVA's Residential Program Administrator and a participant.

This oral examination will continue from day to day until completed. You are invited to attend and cross-examine. **At the time of the taking of the Deposition, Energy Solutions is requested to produce the following documents:**

1) All documents of every kind and nature whatsoever regarding the participation of Johnson Heating and Cooling and any complaints regarding Johnson Heating and Cooling involving or related to the participation of Johnson Heating and Cooling in the eScore Energyright Solutions Program for the past 60 months, to include but not being limited to all correspondence, emails, text, notes, letters, formal complaints and any other documentation of every kind and nature.

/s/ John F. Porter, III
JOHN F. PORTER, III
ASB No. POR006
Attorney for Plaintiff

OF COUNSEL:

The Porter Law Group, PC
123 East Laurel Street
Scottsboro, Alabama 35768
Telephone: (256) 574-5156
Facsimile: (256) 574-6552

CERTIFICATE OF SERVICE

I do hereby certify that a copy of the foregoing has been served upon the following party by depositing a copy of the same in the appropriate Courthouse Receptacle; in the U.S. Mail, postage prepaid and properly addressed; or via Electronic Mail; or if the party being served is a registered participant of the AlaFile System, service has been made by "Notice of Electronic Filing" on this 3rd day of April, 2017:

Jordan D. Watson, Esq.
CARR ALLISON
100 Vestavia Parkway
Birmingham, AL 35216

Via Alafile Systems

Energy Solutions
6249 Sorter Road,
Guntersville, Alabama 35976-2931

Via U.S. Mail



IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON CONSTRUCTION)
CO., INC., d/b/a JOHNSON)
HEATING AND COOLING,)

PLAINTIFF,)

VS.)

CIVIL ACTION NO.: CV 16-900248

CLEARRESULT CONSULTING, INC.,)
d/b/a CLEARRESULT,)

DEFENDANT.)

DEFENDANT CLEARRESULT CONSULTING, INC.'S OBJECTIONS TO PLAINTIFF'S
RULE 34, RULE 30(B)(5), AND 30(B)(6) REQUESTS

COMES NOW the Defendant, CleaRESULT Consulting, Inc. (hereinafter "Defendant"), and subject to the previously submitted objections and Motion for Protective Order, submits the following objections to the Plaintiff's various discovery requests contained in "Plaintiff's Request for Production of Documents to Defendant CleaRESULT Consulting Inc.", "Notice of Taking Deposition Under Rule 30(b)(6)", and "Notice of Taking Deposition" directed to Aaron Catron:

- 1) The Contract between TVA and Clearesult and all renewals or revisions thereof regarding or related to the administration of the eScore Energyright Solutions Program.

OBJECTION: Defendant objects to this request to the extent it calls for proprietary or otherwise commercially sensitive documents/information pursuant to Ala. R. Civ. P. 26(c).

- 2) All guidelines, handbook, references or other documentation directing the actions of Clearesult as the administrator of the eScore Energyright Solutions Program.

OBJECTION: Defendant objects to this request to the extent it calls for proprietary or otherwise commercially sensitive documents/information pursuant to Ala. R. Civ. P. 26(c).

- 3) All guidelines, handbook, references or other documentation directing the actions of Clearesult as the administrator of the e-Score Quality Contractor Network.

OBJECTION: Defendant objects to this request to the extent it calls for proprietary or otherwise commercially sensitive documents/information pursuant to Ala. R. Civ. P. 26(c).

- 4) All documents of every kind and nature whatsoever granting or related to the authority or responsibilities of Clearesult as administrator or manager of the eScore Energyright Solutions Program and the e-Score Quality Contractor Network.

OBJECTION: Defendant objects to this request to the extent it calls for proprietary or otherwise commercially sensitive documents/information pursuant to Ala. R. Civ. P. 26(c).

- 5) All documents of every kind and nature whatsoever establishing or determining the pay rate or compensation of Clearesult as administrator of the eScore Energyright Solutions Program and the e-Score Quality Contractor Network.

OBJECTION: Defendant objects to this request because it calls for documents and information (a) that are not relevant to the subject matter involved in the pending action; (b) that are not reasonably calculated to lead to the discovery of admissible evidence; and/or (c) that otherwise fall outside of the scope of Ala. R. Civ. P. 26. Additionally, this request is overly broad, unduly burdensome, and calls for proprietary and commercially sensitive documents/information which have absolutely no bearing on the issues of this case.

- 7) All documents of every kind and nature whatsoever reflecting the requirements, certification or qualifications of Clearesult to be appointed as the administrator or manager of the Energy Right Program and Quality Contractor Network.

OBJECTION: Defendant objects to this request because it calls for documents and information (a) that are not relevant to the subject matter involved in the pending action; (b) that are not reasonably calculated to lead to the discovery of admissible evidence; and/or (c) that otherwise fall outside of the scope of Ala. R. Civ. P. 26. Additionally, this request is overly broad, unduly burdensome, vague, ambiguous, and confusing. Finally, the request may call for documents/information which are proprietary or otherwise commercially sensitive pursuant to Ala. R. Civ. P. 26(c).

- 8) All documents of every kind and nature whatsoever regarding any complaints received from any source either made to Clearesult, Tennessee Valley Authority, Energy Solutions or any other entity regarding Johnson Heating and Cooling for the past 60 months.

OBJECTION: Defendant objects to this request to the extent it seeks information or documents protected by the attorney client and/or work product privileges and/or information prepared in anticipation of litigation. Additionally, the request is overly broad and unduly burdensome. Finally, Defendant objects to this request because it calls for documents and information (a) that are not relevant to the subject matter involved in the pending action; (b) that are not reasonably calculated to lead to the discovery of admissible evidence; and/or (c) that otherwise fall outside of the scope of Ala. R. Civ. P. 26.

- 9) All memorandums, emails, text messages, letters, notes, audio files or any other documents between any agent or employee of Clearesult and TVA, Energy Solutions, North Alabama Electric Coop, Johnson Heating and Cooling or any other person or entity regarding or related to any complaints about Johnson Heating and Cooling for the past 60 months.

OBJECTION: Defendant objects to this request to the extent it seeks information protected by the attorney client and/or work product privileges and/or information prepared in anticipation of litigation. Additionally, the request is overly broad and unduly burdensome. Finally, Defendant objects to this request because it calls for documents and information (a)

that are not relevant to the subject matter involved in the pending action; (b) that are not reasonably calculated to lead to the discovery of admissible evidence; and/or (c) that otherwise fall outside of the scope of Ala. R. Civ. P. 26.

10) All documents of every kind and nature whatsoever regarding or related to the factual basis of the letter from Clearesult to Johnson Heating and Cooling dated November 21, 2016 removing Johnson Heating and Cooling from the e-Score Quality Contractor Network.

OBJECTION: Defendant objects to this request to the extent it seeks information or documents protected by the attorney client and/or work product privileges and/or information prepared in anticipation of litigation.

11) All documents of every kind and nature whatsoever regarding or related to the allegation that Johnson Heating and Cooling or any of its agents or employees had engaged in unacceptable behavior, including but not limited to intimidation, harassment, retaliation, bribery or attempted bribery.

OBJECTION: Defendant objects to this request to the extent it seeks information protected by the attorney client and/or work product privileges and/or information prepared in anticipation of litigation.

12) All documents of every kind and nature whatsoever regarding or related to the allegation that Johnson Heating and Cooling or any of its agents or employees had engaged in unacceptable behavior, causing or allowing misrepresentation, including but not limited to providing materially false information to TVA, TVA's Residential Program Administrator and a participant.

OBJECTION: Defendant objects to this request to the extent it seeks information protected by the attorney client and/or work product privileges and/or information prepared in anticipation of litigation.

13) All documents of every kind and nature whatsoever regarding or related to the allegation that Johnson Heating and Cooling or any of its agents or employees had engaged in unacceptable behavior, including but not limited to action negatively impacting the program and that results in a negative perception of the program.

OBJECTION: Defendant objects to this request to the extent it seeks information protected by the attorney client and/or work product privileges and/or information prepared in anticipation of litigation.

OBJECTION TO LOCATION: Defendant objects to the location of the proposed depositions pursuant to *Ex parte Toyokuni & Co.*, 715 So. 2d 786, 788 (Ala. 1998) (holding that "[d]epositions of a corporation through its officers or agents should ordinarily be taken at the corporation's principal place of business, especially when the corporation is a defendant"). *See also Ex parte Nissei Sangyo America, Ltd.*, 577 So.2d 912, 915 (Ala. 1991) (*citing Ex parte Armstrong*, 412 So.2d 772 (Ala. 1982)).

Respectfully submitted this the 17th day of April, 2017.

/s/Jordan D. Watson

Jordan D. Watson (WAT082)

Attorney for Defendant

OF COUNSEL:

CARR ALLISON

100 Vestavia Parkway

Birmingham, Alabama 35216

Telephone: (205) 822-2006

Facsimile: (205) 822-2057

CERTIFICATE OF SERVICE

I hereby certify that I have this date, April 17, 2017, submitted the foregoing to all counsel of record via electronic mailing and First Class U.S. Mail.

John F. Porter, III, Esq.

The Porter Law Group, P.C.

124 East Laurel Street

Scottsboro, AL 35768

/s/Jordan D. Watson

OF COUNSEL



AlaFile E-Notice

39-CV-2016-900248.00

Judge: JOHN H GRAHAM

To: JOHN FINLEY PORTER III
johnf@johnporterlaw.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARRESULT CONSUL
39-CV-2016-900248.00

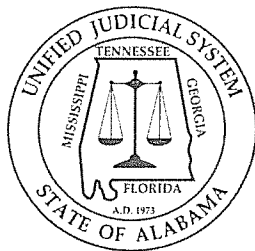
The following matter was FILED on 4/21/2017 11:44:50 AM

C001 DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON
MOTION TO COMPEL
[Filer: PORTER JOHN FINLEY III]

Notice Date: 4/21/2017 11:44:50 AM

DONNA BARKSDALE
CIRCUIT COURT CLERK
JACKSON COUNTY, ALABAMA
JACKSON CO COURTHOUSE, SUITE 307
102 EAST LAUREL STREET
SCOTTSBORO, AL, 35768

256-574-9320
Donna.Barksdale@alacourt.gov



AlaFile E-Notice

39-CV-2016-900248.00

Judge: JOHN H GRAHAM

To: TENNESSEE VALLEY AUTHORITY (PRO SE)
400 W. SUMMIT HILL DRIVE
KNOXVILLE, AL, 37902-0000

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARRESULT CONSUL
39-CV-2016-900248.00

The following matter was FILED on 4/21/2017 11:44:50 AM

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[Filer: PORTER JOHN FINLEY III]

Notice Date: 4/21/2017 11:44:50 AM

DONNA BARKSDALE
CIRCUIT COURT CLERK
JACKSON COUNTY, ALABAMA
JACKSON CO COURTHOUSE, SUITE 307
102 EAST LAUREL STREET
SCOTTSBORO, AL, 35768

256-574-9320
Donna.Barksdale@alacourt.gov



AlaFile E-Notice

39-CV-2016-900248.00

Judge: JOHN H GRAHAM

To: WATSON JORDAN DAVID
jwatson@carrallison.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARESLT CONSUL
39-CV-2016-900248.00

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C001 DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON
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39-CV-2016-900248.00
CIRCUIT COURT OF
JACKSON COUNTY, ALABAMA
DONNA BARKSDALE, CLERK

David Johnson Construction Co. Inc.,	)	IN THE
d/b/a Johnson Heating and Cooling)	
	)	CIRCUIT COURT OF
PLAINTIFF)	
v.	)	JACKSON COUNTY,
)	
Clearesult Consulting Inc.,	)	ALABAMA
d/b/a. CLEAResult;)	
A, B & C, being those firms, persons or	)	CIVIL ACTION NO.: CV-2016-900248
entities directing or having control over)	
the Quality Contractor Network of the)	
Tennessee Valley Authority in Jackson)	
County, Alabama)	
)	
DEFENDANTS)	

ORDER

Upon motion of the Plaintiff, it is hereby Ordered that the Plaintiff's Motion for Preliminary Injunction against Tennessee Valley Authority be set for hearing before this Court on the 31st day of May, 2017, at 10:00 o'clock a.m.

The Clerk is directed to have a copy of this Order served upon the parties in this cause.

DONE and ORDERED this 21st day of April, 2017.

JOHN H. GRAHAM, CIRCUIT JUDGE



AlaFile E-Notice

39-CV-2016-900248.00

Judge: JOHN H GRAHAM

To: PORTER JOHN FINLEY III
johnf@johnporterlaw.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARRESULT CONSUL
39-CV-2016-900248.00

The following matter was FILED on 4/21/2017 11:46:04 AM

Notice Date: 4/21/2017 11:46:04 AM

DONNA BARKSDALE
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JACKSON COUNTY, ALABAMA
JACKSON CO COURTHOUSE, SUITE 307
102 EAST LAUREL STREET
SCOTTSBORO, AL, 35768

256-574-9320
Donna.Barksdale@alacourt.gov



AlaFile E-Notice

39-CV-2016-900248.00

Judge: JOHN H GRAHAM

To: WATSON JORDAN DAVID
jwatson@carrallison.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARRESULT CONSUL
39-CV-2016-900248.00

The following matter was FILED on 4/21/2017 11:46:04 AM

Notice Date: 4/21/2017 11:46:04 AM

DONNA BARKSDALE
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JACKSON COUNTY, ALABAMA
JACKSON CO COURTHOUSE, SUITE 307
102 EAST LAUREL STREET
SCOTTSBORO, AL, 35768

256-574-9320
Donna.Barksdale@alacourt.gov



AlaFile E-Notice

39-CV-2016-900248.00

Judge: JOHN H GRAHAM

To: TENNESSEE VALLEY AUTHORITY (PRO SE)
400 W. SUMMIT HILL DRIVE
KNOXVILLE, AL, 37902-0000

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARESLT CONSUL
39-CV-2016-900248.00

The following matter was FILED on 4/21/2017 11:46:04 AM

Notice Date: 4/21/2017 11:46:04 AM

DONNA BARKSDALE
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JACKSON COUNTY, ALABAMA
JACKSON CO COURTHOUSE, SUITE 307
102 EAST LAUREL STREET
SCOTTSBORO, AL, 35768

256-574-9320
Donna.Barksdale@alacourt.gov

STATE OF ALABAMA Unified Judicial System 39-JACKSON		Revised 3/5/08 <input type="checkbox"/> District Court <input checked="" type="checkbox"/> Circuit Court	Cas CV2	ELECTRONICALLY FILED 4/21/2017 11:47 AM 39-CV-2016-900248.00 CIRCUIT COURT OF JACKSON COUNTY, ALABAMA DONNA BARKSDALE, CLERK
DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARRESULT CONSUL		CIVIL MOTION COVER SHEET Name of Filing Party: C001 - DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON		
Name, Address, and Telephone No. of Attorney or Party. If Not Represented. JOHN FINLEY PORTER III 123 EAST LAUREL STREET SCOTTSBORO, AL 35768 Attorney Bar No.: POR006		<input type="checkbox"/> Oral Arguments Requested		
TYPE OF MOTION				
Motions Requiring Fee		Motions Not Requiring Fee		
<input type="checkbox"/> Default Judgment (\$50.00) Joinder in Other Party's Dispositive Motion (i.e. Summary Judgment, Judgment on the Pleadings, or other Dispositive Motion not pursuant to Rule 12(b)) (\$50.00) <input type="checkbox"/> Judgment on the Pleadings (\$50.00) <input type="checkbox"/> Motion to Dismiss, or in the Alternative Summary Judgment (\$50.00) Renewed Dispositive Motion (Summary Judgment, Judgment on the Pleadings, or other Dispositive Motion not pursuant to Rule 12(b)) (\$50.00) <input type="checkbox"/> Summary Judgment pursuant to Rule 56 (\$50.00) <input type="checkbox"/> Motion to Intervene (\$297.00) <input type="checkbox"/> Other _____ pursuant to Rule _____ (\$50.00) *Motion fees are enumerated in §12-19-71(a). Fees pursuant to Local Act are not included. Please contact the Clerk of the Court regarding applicable local fees. <input type="checkbox"/> Local Court Costs \$ 0 _____		<input type="checkbox"/> Add Party <input type="checkbox"/> Amend <input type="checkbox"/> Change of Venue/Transfer <input type="checkbox"/> Compel <input type="checkbox"/> Consolidation <input checked="" type="checkbox"/> Continue <input type="checkbox"/> Deposition <input type="checkbox"/> Designate a Mediator <input type="checkbox"/> Judgment as a Matter of Law (during Trial) <input type="checkbox"/> Disburse Funds <input type="checkbox"/> Extension of Time <input type="checkbox"/> In Limine <input type="checkbox"/> Joinder <input type="checkbox"/> More Definite Statement <input type="checkbox"/> Motion to Dismiss pursuant to Rule 12(b) <input type="checkbox"/> New Trial <input type="checkbox"/> Objection of Exemptions Claimed <input type="checkbox"/> Pendente Lite <input type="checkbox"/> Plaintiff's Motion to Dismiss <input type="checkbox"/> Preliminary Injunction <input type="checkbox"/> Protective Order <input type="checkbox"/> Quash <input type="checkbox"/> Release from Stay of Execution <input type="checkbox"/> Sanctions <input type="checkbox"/> Sever <input type="checkbox"/> Special Practice in Alabama <input type="checkbox"/> Stay <input type="checkbox"/> Strike <input type="checkbox"/> Supplement to Pending Motion <input type="checkbox"/> Vacate or Modify <input type="checkbox"/> Withdraw <input type="checkbox"/> Other _____ pursuant to Rule _____ (Subject to Filing Fee)		
Check here if you have filed or are filing contemporaneously with this motion an Affidavit of Substantial Hardship or if you are filing on behalf of an agency or department of the State, county, or municipal government. (Pursuant to §6-5-1 Code of Alabama (1975), governmental entities are exempt from prepayment of filing fees) <input type="checkbox"/>		Date: 4/21/2017 11:46:13 AM		Signature of Attorney or Party /s/ JOHN FINLEY PORTER III

*This Cover Sheet must be completed and submitted to the Clerk of Court upon the filing of any motion. Each motion should contain a separate Cover Sheet.

**Motions titled 'Motion to Dismiss' that are not pursuant to Rule 12(b) and are in fact Motions for Summary Judgments are subject to filing fee.



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4/21/2017 11:47 AM
39-CV-2016-900248.00
CIRCUIT COURT OF
JACKSON COUNTY, ALABAMA
DONNA BARKSDALE, CLERK

David Johnson Construction Co. Inc.,	)	IN THE
d/b/a Johnson Heating and Cooling)	
	)	CIRCUIT COURT OF
PLAINTIFF)	
v.	)	JACKSON COUNTY,
)	
Clearesult Consulting Inc.,	)	ALABAMA
d/b/a. CLEAResult;)	
A, B & C, being those firms, persons or	)	CIVIL ACTION NO.: CV-2016-900248
entities directing or having control over)	
the Quality Contractor Network of the)	
Tennessee Valley Authority in Jackson)	
County, Alabama)	
)	
DEFENDANTS)	

MOTION TO CONTINUE

NOW COMES the Plaintiff in this matter and moves this Court to continue the evidentiary hearing on the Plaintiff's Application for Temporary Restraining Order and Preliminary Injunction, and the Defendant's Motion to Dissolved the Temporary Restraining Order, presently set for May 8, 2017, and in support thereof says that the parties hereto have filed a number of discovery requests that have not yet been completed. The Defendant has objected to providing any of the documents and information requested. The requested information and documentation is critical to the Plaintiff's preparation for and presentation at the evidentiary hearing. The Plaintiff requests that the hearing be continued until the discovery dispute is resolved and the information and documents are produced by the Defendant Clearesult. Also, The Tennessee Valley Authority has recently been added as a necessary Defendant but they have not yet made an appearance in this matter.

/s/ John F. Porter, III
JOHN F. PORTER, III
ASB No. POR006
Attorney for Plaintiff

OF COUNSEL:

The Porter Law Group, PC
123 East Laurel Street
Scottsboro, Alabama 35768
Telephone: (256) 574-5156
Facsimile: (256) 574-6552

CERTIFICATE OF SERVICE

I do hereby certify that a copy of the foregoing has been served upon the following party by depositing a copy of the same in the appropriate Courthouse Receptacle; in the U.S. Mail, postage prepaid and properly addressed; or via Electronic Mail; or if the party being served is a registered participant of the AlaFile System, service has been made by "Notice of Electronic Filing" on this 21st day of April, 2017:

Jordan D. Watson, Esq.
CARR ALLISON
100 Vestavia Parkway
Birmingham, AL 35216

Via Alafile Systems



AlaFile E-Notice

39-CV-2016-900248.00

Judge: JOHN H GRAHAM

To: JOHN FINLEY PORTER III
johnf@johnporterlaw.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARESLT CONSUL
39-CV-2016-900248.00

The following matter was FILED on 4/21/2017 11:46:44 AM

C001 DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON
MOTION TO CONTINUE

[Filer: PORTER JOHN FINLEY III]

Notice Date: 4/21/2017 11:46:44 AM

DONNA BARKSDALE
CIRCUIT COURT CLERK
JACKSON COUNTY, ALABAMA
JACKSON CO COURTHOUSE, SUITE 307
102 EAST LAUREL STREET
SCOTTSBORO, AL, 35768

256-574-9320
Donna.Barksdale@alacourt.gov



AlaFile E-Notice

39-CV-2016-900248.00

Judge: JOHN H GRAHAM

To: TENNESSEE VALLEY AUTHORITY (PRO SE)
400 W. SUMMIT HILL DRIVE
KNOXVILLE, AL, 37902-0000

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARRESULT CONSUL
39-CV-2016-900248.00

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256-574-9320
Donna.Barksdale@alacourt.gov



AlaFile E-Notice

39-CV-2016-900248.00

Judge: JOHN H GRAHAM

To: WATSON JORDAN DAVID
jwatson@carrallison.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARESLT CONSUL
39-CV-2016-900248.00

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CIRCUIT COURT CLERK
JACKSON COUNTY, ALABAMA
JACKSON CO COURTHOUSE, SUITE 307
102 EAST LAUREL STREET
SCOTTSBORO, AL, 35768

256-574-9320
Donna.Barksdale@alacourt.gov



IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

**DAVID JOHNSON CONSTRUCTION)
CO., INC., d/b/a JOHNSON)
HEATING AND COOLING,)**

PLAINTIFF,)

VS.)

**CLEARRESULT CONSULTING, INC.,)
d/b/a CLEARRESULT,)**

DEFENDANT.)

CIVIL ACTION NO.: CV 16-900248

**DEFENDANT CLEARRESULT CONSULTING, INC.'S RESPONSE TO
PLAINTIFF'S MOTION TO CONTINUE, AND
MOTION TO CONSOLIDATE EVIDENTIARY HEARINGS**

COMES NOW the Defendant, CleaRESULT Consulting, Inc. ("CleaRESULT") and responds to the Plaintiff's Motion to Continue and also requests the Court consolidate the hearings concerning CleaRESULT and the Tennessee Valley Authority ("TVA"). In support of the request, CleaRESULT states as follows:

1. On April 21, 2017, the Plaintiff filed a Motion to Continue the evidentiary hearing currently set for May 8, 2017. In support of its request, the Plaintiff cited CleaRESULT's objections to various discovery served by the Plaintiff, and the recent addition of TVA to this matter.
2. While CleaRESULT stands by its objections and past submissions regarding the discovery served by the Plaintiff, CleaRESULT does not object to the continuance of this matter.
3. The Court recently set the Plaintiff's Motion for Preliminary Injunction against TVA for hearing on May 31, 2017 at 10:00 o'clock a.m. Given the common questions of law and fact between the claims against CleaRESULT and the claims against TVA, CleaRESULT requests the Court consolidate the two evidentiary hearings. Doing so would not only

convenience the parties and the Court, it also serves as the most efficient and economical manner to address the issues before the Court.

WHEREFORE, premises considered, CleaRESULT consents to the continuance of this matter. Additionally, CleaRESULT respectfully requests the Court continue the hearing presently set for May 8, 2017 to May 31, 2017 at 10:00 a.m., thus consolidating the evidentiary hearings concerning CleaRESULT and TVA.

Respectfully submitted,

/s/Jordan D. Watson
Jordan D. Watson (WAT082)
Attorney for Defendant

OF COUNSEL:

CARR ALLISON
100 Vestavia Parkway
Birmingham, Alabama 35216
Telephone: (205) 822-2006
Facsimile: (205) 822-2057

CERTIFICATE OF SERVICE

I hereby certify that I have this date, April 28, 2017, electronically filed the foregoing with the Clerk of Court using the Alabama e-filing system which will send notification of such filing to all counsel of record:

John F. Porter, III, Esq.
The Porter Law Group, P.C.
124 East Laurel Street
Scottsboro, AL 35768

/s/Jordan D. Watson
OF COUNSEL



AlaFile E-Notice

39-CV-2016-900248.00

Judge: JOHN H GRAHAM

To: JORDAN DAVID WATSON
jwatson@carrallison.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARESLT CONSUL
39-CV-2016-900248.00

The following matter was FILED on 4/28/2017 3:01:13 PM

D001 CLEARESLT CONSULTING, INC. D/B/A CLEARESLT
RESPONSE TO MOTION TO CONTINUE

[Filer: WATSON JORDAN DAVID]

Notice Date: 4/28/2017 3:01:13 PM

DONNA BARKSDALE
CIRCUIT COURT CLERK
JACKSON COUNTY, ALABAMA
JACKSON CO COURTHOUSE, SUITE 307
102 EAST LAUREL STREET
SCOTTSBORO, AL, 35768

256-574-9320
Donna.Barksdale@alacourt.gov



AlaFile E-Notice

39-CV-2016-900248.00

Judge: JOHN H GRAHAM

To: TENNESSEE VALLEY AUTHORITY (PRO SE)
400 W. SUMMIT HILL DRIVE
KNOXVILLE, AL, 37902-0000

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Judge: JOHN H GRAHAM

To: PORTER JOHN FINLEY III
johnf@johnporterlaw.com

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IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON

CONSTRUCTION CO. INC. D/B/A)

JOHNSON)

Plaintiff,)

V.)

Case No.: CV-2016-900248.00)

CLEARRESULT CONSULTING, INC.)

D/B/A CLEARRESULT,)

TENNESSEE VALLEY AUTHORITY,)

Defendants.)

ORDER

Upon motion of the Plaintiff being joined by the Defendant Clearesult Consulting, Inc d/b/a CLEAResult, it is hereby Ordered that the evidentiary hearing currently set for May 8, 2017 is rescheduled for **May 31, 2017 at 10:00 o'clock a.m.**, in conjunction with the similar hearing related to the Defendant Tennessee Valley Authority.

The Clerk is directed to have a copy of this Order served upon the parties in this cause.

DONE this[To be filled by the Judge].

/s/[To be filled by the Judge]

CIRCUIT JUDGE



AlaFile E-Notice

39-CV-2016-900248.00

Judge: JOHN H GRAHAM

To: JOHN FINLEY PORTER III
johnf@johnporterlaw.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JACKSON COUNTY, ALABAMA

DAVID JOHNSON CONSTRUCTION CO. INC. D/B/A JOHNSON V. CLEARRESULT CONSUL
39-CV-2016-900248.00

The following matter was FILED on 5/2/2017 8:03:32 AM

[Filer:]

Notice Date: 5/2/2017 8:03:32 AM

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AlaFile E-Notice

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Judge: JOHN H GRAHAM

To: TENNESSEE VALLEY AUTHORITY (PRO SE)
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David Johnson Construction Co. Inc.,)	IN THE
d/b/a Johnson Heating and Cooling)	
	)	CIRCUIT COURT OF
PLAINTIFF)	
v.	)	JACKSON COUNTY,
)	
Clearesult Consulting Inc.,	)	ALABAMA
d/b/a. CLEAResult;)	
A, B & C, being those firms, persons or	)	CIVIL ACTION NO.: CV-2016-900248
entities directing or having control over)	
the Quality Contractor Network of the)	
Tennessee Valley Authority in Jackson)	
County, Alabama)	
)	
DEFENDANTS)	

ORDER

Upon motion of the Plaintiff being joined by the Defendant Clearesult Consulting, Inc d/b/a CLEAResult, it is hereby Ordered that the evidentiary hearing currently set for May 8, 2017 is hereby rescheduled for **May 31, 2017 at 10:00 o'clock a.m.**, in conjunction with the similar hearing related to the Defendant, Tennessee Valley Authority.

The Clerk is directed to have a copy of this Order served upon the parties in this cause.

DONE and ORDERED this 2nd day of May, 2017.

JOHN H. GRAHAM - CIRCUIT JUDGE



AlaFile E-Notice

39-CV-2016-900248.00

Judge: JOHN H GRAHAM

To: PORTER JOHN FINLEY III
johnf@johnporterlaw.com

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